



An
Bord
Pleanála

Inspector's Report ABP 307846-20

Development	Replace and realign front boundary wall.
Location	Rathmale, Mungret, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	20/378
Applicant	Aideen Cunnane
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	1 st Party v. condition
Appellant	Aideen Cunnane
Observer(s)	None
Date of Site Inspection	23/09/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site is located in a semi-rural area in the townland of Rathmale proximate to the village of Mungret which is approximately 6 kilometres to the southwest of Limerick city centre. There is a single storey dwelling on the site with the front boundary delineated by a decorative wall c. 1.1 metre in height and set back 2.1 metres from the road edge. The lands to the north are undeveloped with the roadside boundary delineated by a hedgerow forward of that on the appeal site. A house is under construction on the site to the south with its roadside boundary removed.

The area is characterised by extensive ribbon development and small in-depth residential clusters. The front boundary lines vary, some of which are setback from the road edge with others retaining the original line. The road was noted to be relatively well trafficked along which the 50 kph speed limit applies.

2.0 Proposed Development

Permission is sought to remove the existing boundary wall and replace it with a new wall with a height of 1.4 metres and setback from the road edge of 0.601 metres. The wall is to be faced in limestone.

It is considered that the proposed relocation of the wall forward of its existing position will assist in improving visibility of the property for vehicles travelling on the road.

A response to the objections received by the planning authority was submitted 29/06/20.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 5 conditions.

Condition 2: The wall to be constructed along the line of the existing wall. Revised site layout plan to be submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report notes that the sight lines at the proposed new access appear to be running through the neighbouring property to the south. No consent has been provided with regard to cutting back of the existing hedgerow to achieve sightlines. The applicant has failed to demonstrate adequate sightlines at a point 2.4 metres setback from the road edge. Having considered the proposed and future development of neighbouring properties the wall shall remain setback from the front boundary by 2.1 metres to 2.4 metres (sic). A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Objections received by the planning authority are on file for the Board's information. The issues raised relate to impact on sightlines to adjoining lands.

4.0 Planning History

Reference is made in the Council Planner's report to permission under ref. 12/525 for a side and rear extension to the dwelling on site.

Adjoining Lands to South-West

19/1008 – permission granted consequent to outline permission ref. 19/22 for a dwelling on the site immediately to the south-west of the appeal site. Construction has commenced on same.

PL19.248852 (17/368) - split decision granting permission for 1 no. dwelling with frontage onto the road and refusal of permission for 3 dwellings to the rear.

PL91.246981 (16/422) – permission refused for site development works and outline permission for 6 no. serviced sites.

PL91.244076 (14/956) - outline permission granted for a dwelling.

Adjoining Lands to North-East

ABP 304817-19 (18/825) – permission refused for 13 dwellings on the grounds of absence of pedestrian facilities connecting the site to Mungret village centre and that the proposal would be premature in this regard and would endanger public safety by reason of traffic hazard.

20/305 – current application with the planning authority seeking permission for 23 dwellings.

5.0 Policy Context

5.1. Development Plan

The site is within an area zoned ZD1 – Existing Residential in the Southern Environs Local Area Plan (as extended).

5.2. Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

The 1st Party appeal is against condition 2 attached to the planning authority's notification of decision to grant permission requiring the new wall to be built along the line of the wall in situ. The submission can be summarised as follows:

- The realignment of the boundary wall will allow for achievement of safer sightlines. It would allow for the entrance to be visible for vehicles travelling from the south-west.

- The realignment would correspond with that of other properties to the south-west.
- It would provide for a narrower carriageway which would assist in traffic calming. This would be in accordance with DMURS principles.
- The setback would provide for 70 metre sightlines and allow for footpath construction.
- Permission is sought for 27 houses (sic) on the lands to the north. Retaining the setback could effectively result in it being used as a filter lane to enter the site. This would result in direct conflict with the appellant's entrance.
- The road widening to the front of the site to the south subject of permission 19/1008 will increase the road width and allow for cars to speed up.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

7.0 **Assessment**

The 1st party appeal is against condition 2 attached to the planning authority's decision to grant permission requiring the replacement front boundary wall to be constructed on the line of the existing wall.

The principle of the replacement of the existing decorative boundary wall with one which is marginally higher and finished in limestone is acceptable. I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, and to consider the issues arising out of the disputed condition only.

The existing boundary wall is set back 2.1 metres from the road edge. The proposed relocation will reduce this setback to 0.6 metres. As per the details provided by the applicant both at application and appeal stage the purpose of its relocation is so as to improve visibility of the property for vehicles travelling in both directions along the road, in addition to improving sight lines at the site access.

Local road L-1402 serving the site is characterised by extensive ribbon development and small residential schemes. The boundary setbacks from the road edge vary along its length. The 50 kph speed limit applies with the road noted to be relatively well trafficked with no pedestrian facilities.

Since the lodgement of the application with the planning authority the roadside boundary along the site immediately to the south has been removed with construction commenced on a dwelling granted permission under ref. 19/1008. From the details available on the said file the roadside boundary is to be set back in line with that existing on the appeal site. As noted on day of inspection the property boundary subject of the appeal is now visible when travelling in north-westwards towards Mungret village. I note that the properties to the south of the dwelling under construction have varying roadside boundary setbacks although not as deep as that on the appeal site.

Permission is being sought for 23 dwellings (proposed to be reduced to 21 by way of further information) on a site immediately to the north under ref. 20/305. A decision is awaited. Permission was previously refused for 14 dwellings on the said lands under ref. ABP 304817-19 (18/825). The reason for refusal pertained to the lack of pedestrian connectivity to Mungret village centre to the north. It is reasonable to expect that the current application will be required to address the said reason for refusal and to assume that the front boundary will be required to be set back.

As noted in the Mungret Masterplan map in the Southern Environs LAP 2011-2017 (as extended) the lands in the vicinity of the site, both to the north and west are zoned existing residential and, on the basis of the previous and current planning applications, it can be reasonably expected that their development for residential purposes will be realised. However this will be subject to other planning and environmental considerations being met including appropriate pedestrian facilities and connectivity to the village centre along the local road.

I submit that to allow for the boundary line to be brought forward to 0.6 metres from the road edge could prejudice the provision of a footpath along the local road. Such a provision would allow for a safer pedestrian environment whilst improving connectivity to Mungret village centre in accordance with DMURS principles.

The enforcement of the speed limit is a matter for the policing authority. I submit that the issue of excessive vehicular speed along the local road could also be addressed by suitable traffic calming measures which is within the remit of the local authority to realise.

I therefore concur with the requirements of condition 2 attached to the planning authority's notification of decision to grant permission.

Appropriate Assessment

Having regard to the nature and scale of the development and the 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

8.0 Recommendation

Having regard to the documentation on file the grounds of appeal, the grounds of appeal, my site inspection, and the assessment above I recommend that the planning authority be directed to **ATTACH** condition 2 for the following reasons and considerations

REASONS AND CONSIDERATIONS

It is considered that the retention of the existing boundary line back from the road edge would be in the interests of traffic safety and convenience and would not prejudice the potential provision of footpath facilities along local road L-1402

Pauline Fitzpatrick
Senior Planning Inspector

October, 2020