



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308707-20

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<b>Development</b>	Retention Permission for modification to front boundary treatment.
<b>Location</b>	24 The Rise, Mount Merrion, Blackrock, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0605
<b>Applicant(s)</b>	Stephen and Ruth Connolly
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Stephen and Ruth Connolly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> January 2021
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of The Rise, Mount Merrion, Co. Dublin and comprises of a 1930's style house that has recently been renovated and extended.
- 1.2. The existing front boundary provides for an automatic wrought iron gate together with a red brick wall with railings on top. A new hedge has recently been planted inside the railings. There is a huge mix of boundary treatments and gates in the general vicinity of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for retention of the following:
  - Modifications to front boundary treatment (previously granted under planning ref. D18A/0472 consisting of A) Installation of low level wrought iron railings on top of existing low level brickwork front boundary wall, B) Installation of wrought iron sliding entrance gate with all associated and ancillary site development works.
  - The width of the access is 3.5m. The total height of the wall and railings is c. 1.25m with a pier height of 1.4m. The gate height varies from 1.2m to 1.4m.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Permission refused for one reason as follows:

Having regard to railings to be retained, it is considered that the development to be retained is out of character with the area, is seriously injurious to the visual amenities of the area. In addition, the proposal for an electric gate is contrary to public safety by virtue of non-compliance with Section 8.2.4.9 of the Development Plan. The proposed development is, therefore, contrary to the zoning objective of the site 'to protect and/or improve residential amenity' of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The planner's report considers that the wrought iron railing proposed are out of character with boundary treatments in the immediate vicinity of the site. It is also considered that the automatic gates should be omitted as the Development Plan does not favour this type of gate due to road safety. It noted that both these aspects were previously removed by condition under D20/0173.

### 3.2.2. Other Technical Reports

**Drainage:** No objection.

## 3.3. Prescribed Bodies

- No reports.

## 3.4. Third Party Observations

- None.

## 4.0 Planning History

### **PA Reg. Ref. D20A/0173**

Retention permission was granted for unauthorised modifications to front boundary treatment as granted under PA Reg. Ref. D18A/0472 consisting of A) Installation of low level wrought iron railings on top of existing low level brickwork front boundary wall, B) Installation of wrought iron sliding entrance gate and C) erection of painted sand cement render blockwork bin store and secure bicycle store to front garden along with all associated and ancillary site development works.

The following conditions are relevant to the current application:

**Condition 3:** The railings on the front boundary shall be omitted/ removed.

**Reason:** In the interests of visual amenity.

**Condition 4:** The automated sliding gate shall be replaced with a manual sliding gate.

**Reason:** In the interest of traffic safety.

**PA Reg. Ref. D18A/0472**

Permission granted for 1. Removal of the existing single storey out-buildings to the rear of the property. 2. Removal of the entrance porch to the games room building at rear of property. 3. Modifications to the external elevations of the games room building. 4. The construction of a single storey extension to the front elevation of the main dwelling house. 5. The construction of a part single/ part two storey extension to the rear elevation of the main dwelling house. 6. Conversion of the existing attic space to a habitable bedroom space with a projecting dormer window to rear elevation and insertion of roof lights to the front elevation, where the existing hipped roof will be modified and extended. 7. Widening of the existing vehicular entrance. 8. Along with all associated and ancillary site development works.

**Planning Enforcement**

**ENF- 26/20-** Non compliance with Condition 1 of D18A/0472.

**5.0 Policy Context**

**5.1. Development Plan- Dun Laoghaire Rathdown County Development Plan 2016-2022**

Site is zoned as 'A' which seeks 'to protect and/or improve residential amenity.'

Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas (General Specifications)

Automatic electronic gates into residential development are not favoured, and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety

unless the entrance is set back 6.0m from the back of the footway to avoid the roadway or footway being obstructed by a vehicle while the gate is opening.

## 5.2. **Natural Heritage Designations**

- None relevant.

## 5.3. **EIA Screening**

- 5.3.1. Having regard to the limited nature and scale of the development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the 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 appeal can be summarised as follows:

- There is an established precedent in the area for the type of railings and gate for which retention permission is sought.
- A large number of photographs are attached to the appeal to demonstrate this.
- The removal of the automated sliding gate in preference of a manual one is without proper consideration of technological advances in this regard, ignores established precedent in the area, and is not in the interest of traffic safety.
- The Development Plan policy with regard to automated gates is more appropriately applied to larger housing schemes accessed via a single access gate where there is potential for traffic queueing at peak times and not to a single house.
- Technology has improved over the years and removes the potential for traffic hazard over that of manual gates.

## 6.2. **Planning Authority Response**

- The Board is referred to the planner's report and it is not considered that the grounds of appeal would justify a change in attitude.

## 6.3. **Observations**

- None.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Impact
- Impact on Traffic Safety
- Appropriate Assessment

## 7.2. **Visual Impact**

7.2.1. I consider that the design of the gate and railing is acceptable at this location. The appeal response has submitted numerous photographs of railings and gates in the vicinity of the site. There is a huge variety of gates, railings, walls, and hedgerow in the vicinity of the site and the existing gate and railings do not form a discordant feature in my view.

7.2.2. I note that the Planning Authority report considered that the majority of examples of railings in the area had hedging and that the wrought iron railings were out of character with the area. I note that a hedgerow has recently been planted inside the railing and I consider that this will be beneficial to the visual amenities of the area. As such, having regard to existing and permitted development in the vicinity of the site, I consider that the retention of the existing development would not be injurious to the visual amenities of the area.

### **7.3. Impact on Traffic Safety**

- 7.3.1. Section 8.2.4.9 of the Development Plan sets out the Council's policy for vehicular entrances and hardstanding areas and seeks to control the use of automatic/ electronic gates into residential developments where there is a setback of less than 6 metres from the footpath in order to avoid the road of footpath being obstructed by a vehicle when the gate is opening.
- 7.3.2. In my view, the setback is overly restrictive in this instance. The main points made in the appeal submission are that there are numerous examples of automatic gates already in this area, and the Planning Authority hasn't given proper consideration of technological advances in this regard. Furthermore, it is stated that the technology associated with the installed system is superior to that of a manual gate as it can be opened prior to arrival preventing the need for a car to wait at the entrance for any period of time.
- 7.3.3. I consider that the policy regarding automatic gates may be more appropriate to larger housing developments as there would be more potential for larger traffic volumes and more problems associated with traffic queuing.
- 7.3.4. Having regard to the low levels of traffic associated with a single residential unit, together with improved technology for automatic gates and the precedent already set in this area for automatic gates, the use of same at this location would not create a traffic hazard in my view.

### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the minor nature of the existing development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that retention permission be granted for the existing development subject to the reasons and considerations, as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the nature and scale of the development to be retained, it is considered that, the development for which retention is sought would not seriously injure the residential or visual amenities of the area and would not result in a traffic hazard. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

4<sup>th</sup> February 2021