



An
Bord
Pleanála

Inspector's Report ABP-310357-21

Development	Permission for a new 2m high front boundary consisting of a rendered block wall with intermittent pillars and infill metal railings with a new pedestrian entrance at the front of the dwelling house.
Location	95 Beaumont Avenue, Dublin 14 (D14 E397)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0204
Applicants	Betty Lavy and Yann Leroy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Betty Lavy and Yann Leroy
Observer(s)	None
Date of Site Inspection	22 nd September 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0545 ha and is located to the northeast of the junction with Beaumont Avenue and Weston Avenue, Churchtown, Dublin 14 which is a residential area in the southern suburbs of the city. The site lies on the eastern side of Beaumont Avenue and is the southern most and last in the row of houses prior to the junction with Weston Avenue.
- 1.2. The area is predominantly residential and mainly comprises single-storey cottages. The dwelling house on site is single storey with a hipped roof profile and two bay windows on the front elevation. The house has an attached flat roof garage on the northern side and has been extended previously to the southern side and rear. There is an existing capped rendered block boundary wall running along the northern (side), western (front) and part of the southern (side) boundary. This wall varies in height from 0.6m to 0.9m high due to the gradient of the site and adjoining area (footpath). The wall rises to a 2m high capped rendered block wall from a point c. 0.9m west of the front elevation and extends at this height all along the southern boundary where it adjoins the adjacent dwelling site's front boundary to the rear on Weston Avenue. This adjacent dwelling is constructed within what would have been the subject site's original back garden.
- 1.3. The front elevation of the dwelling is set back approx. 10 metres from the front boundary and the area to the front of the dwelling currently accommodates off street parking and a strip of lawn along the inner side of the front boundary wall.

2.0 Proposed Development

- 2.1. The proposed development comprises:

A new 2 metre front boundary which is to consist of:

A rendered block wall 1 metre in height with intermittent pillars of 2 metres in height every c. 2.2 metres along its length and 1 metre high painted infill railings in the spaces between with a new pedestrian entrance directly to the west (to the front) of the front door of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

Notification of the Decision to Refuse Permission by order dated 5th May 2021 for 1 no. reason as follows:

- 1. The proposal would strike a discordant note with the other dwellings in the area and would be visually incongruous resulting on a negative impact on the streetscape. Furthermore, it is also considered that the proposal would limit passive surveillance of the public realm and would be detrimental to the provision of active street edges. The proposed development is, therefore, contrary to Section 8.2.4.9 (ii) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner's report reflects the decision of the Planning Authority, the main points can be summarised as follows:

- Residential development is permitted under the current zoning objective for the site therefore the main issues for consideration are visual impact and access.
- The proposed new wall is to match the existing height of the side boundary wall.
- The need for a high wall from the perspective of the residential amenity of the subject dwelling is not deemed to be justified. The dwelling is set back c.10 metres from the edge of the public road which would exceed the normal dimensions for space to the front of a dwelling.
- Regard is had to the low rise nature of front boundary treatments along Beaumont Avenue. The characteristics of the boundary wall at no.97 across Beaumont Avenue are noted however in this case the higher wall with railing

on top as a boundary treatment is justified given that the higher wall is related to open space associated with the childcare facility on site.

- In general terms it is considered the proposal would strike a discordant note with other dwellings in the area and would be visually incongruous resulting in a negative impact on the streetscape.
- Also, it is considered that the proposal would severely limit passive surveillance of the public realm and would be detrimental to the provision of active street edges.
- The development would be contrary to Section 8.2.4.9 (ii) of the development plan and the principles of Chapter 4.2 of the Design manual for Urban Roads and Streets (2013).
- The proposed new c.1m pedestrian entrance on the front boundary is considered acceptable.
- It is noted that the vehicular entrance piers have a proposed height of 2m. The Transportation Section raised concerns with same due to their potential to impact on visibility.
- According to the plans submitted it appears that the applicant is also seeking to increase the height of the side boundary wall with no.93 to the north. Given the development description in the statutory notices refers explicitly to the front boundary only, this element is deemed to fall outside the scope of this application and has therefore not being considered.

3.2.2. Other Technical Reports

- Transportation Planning Section – No objection subject to conditions including that the heights of the existing entrance piers shall not be increased in order to provide visibility from vehicles exiting the vehicular entrance to pedestrians on the adjacent footpath and also that the proposed new sliding vehicular entrance gate shall not be an automatic electronic gate in accordance with section 8.2.4.9 vehicular entrances and hardstanding areas (i) general specifications of the current County Development Plan 2016 – 2022.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. Planning History on site:

- PA Ref: D16A/0013 – Permission granted in May 2016 to extend the existing house to the side and rear (modifications include extending the existing roof to the side and the construction of a dormer to the rear); the construction of a new detached dwelling with mansard roof in the rear garden of number 95 and the forming of one new vehicular entrance on Weston Avenue.
- PA Ref: D15A/0611 – Permission refused in November 2015 for demolition and replacement of the existing detached single storey dwelling with two new semi-detached, single storey dwellings with dormer windows; the construction of a new detached dwelling with mansard roof in the rear garden; the forming of two new vehicular entrances on Weston Avenue and the erection of new perimeter fencing to Weston Avenue

4.2. Planning History on adjoining site to east:

- PA Ref: D16A/0521 – Permission for retention granted in October 2016 for alterations to a previously granted planning permission Ref. No. D16A/0013. The extent of the alteration is as follows: 1. Create a split-level ground floor due to existing ground topography. 2. Extend the kitchen floor area by a total of 7.68m². 3. Raise the level of the main roof by 500mm. 4. Raise the level of the flat roof by 300mm. 5. Due to the relocation of the utility room and the addition of a study room, the front door has been relocated and a new window for the study has been added to the front elevation.

5.0 Policy Context

5.1. Development Plan

5.1.1. The application site is in an area zoned A 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.1.2. Section 8.2.8.4 (iii) Boundaries states:

Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.

Details of all existing and proposed boundary treatments should be submitted as part of any planning application and include details in relation to proposed materials, finishes, and, in the case of planted boundaries, details in respect of species together with a planting schedule.

5.1.3. Section 8.2.4.9 relates to Vehicular entrances and hardstanding areas and states –

(i) *General Specifications*

Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic.....

Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed....

Automatic electronic gates into residential developments are not favoured, and should be omitted. Automatic and electronic 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.

(ii) *Visual and Physical Impacts*

Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to avoid these. Any boundary walls, entrance

piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.

There can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance, pedestrian safety, on-street parking, drainage and biodiversity – and these will be assessed in the consideration of applications.

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of the appeal can be summarised as follows:

- It is the applicants' contention that the proposal does not strike a discordant note with the other dwellings in the area nor would it be visually incongruous resulting in a negative impact on the streetscape.
- There is no consistency in the designs of the various front boundaries along Beaumont Avenue. Photographic examples are given of no. 63, 69, 97 and 103 Beaumont Avenue.
- The proposal is designed to be similar in style to the existing front boundary at 45 Nutley Lane. This design is not visually incongruous and does not result in a negative impact on the streetscape.
- The proposal does not offer an obscure screen to the public realm as the boundary will be see through in both directions. It therefore will offer passive surveillance in the public realm and will not be detrimental to the provision of active street edges.
- Many of the other houses along Beaumont Ave have high hedges growing along their front boundaries, these are themselves obscure screens in the public realm.

- The proposed boundary walls entrance piers and gates and railings are proposed to be finished to harmonize in color texture height and size to match the existing streetscape.
- Choosing Section 8.2.4.9 (ii) of the DLR CDP 2016-2022 as a refusal reason for the proposal is erroneous.

6.2. Planning Authority Response

- The Board is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matters which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Entrances
- New Issue – Visibility and Traffic Safety
- Appropriate Assessment

7.2. Design and Impact on the Character of the Area

Proposed front boundary wall

7.2.1. Beaumont Avenue is a residential road in the southern suburbs of the city, with detached mainly single storey dwellings with larger front gardens of width circa. 10 metres from the front facades of the dwelling houses to the front boundary walls. These front boundary walls in the majority of cases vary in heights from c.0.6m to c. 1.2m, with the subject site's boundary ranging from 0.6m to 0.9m in height. The current site's boundary is one of the lowest along the avenue given that the street gradually travels up gradient in this area, thus the public footpath to the outside (west

and south) of the boundary wall rises also giving a clear view into the existing front garden of no. 95.

7.2.2. There is to some degree comparable uniformity in the front boundaries along the avenue given the presence of the originally constructed low level front boundary walls, although I do note that there is some variance in same, with some having established higher hedges growing to the inside of existing front boundaries, which overspill above the existing lower rendered block boundary walls and others having palisade fencing positioned on top of their boundary walls to allow for additional privacy. As one travels south and uphill along Beaumont Avenue the boundary wall heights seem to increase in height, as is the case at no.103.

7.2.3. I note the area planner's comments on the existing front boundary wall treatment of no. 97 Beaumont Avenue to the immediate south of the subject site. This site which is located on the southern side of the junction with Weston Avenue has a higher boundary wall c. 1.2m in height with see-through palisade fencing on top, bringing the overall height of the boundary to approx. 2 metres. The area planner states that such a boundary is justified in this case given that the higher boundary is related to the open space associated with the childcare facility on site. The area planner also notes that in general terms it is considered the current proposal would strike a discordant note with other dwellings in the area and would be visually incongruous resulting in a negative impact on the streetscape. The planning authority's refusal reason reflects this opinion and states that the proposed development would therefore be contrary to Section 8.2.8.4 (ii) of the operative CDP. This section of the development plan refers to 'separation distance', and states *'provision of 'defensible' space, e.g. a planting strip, to the front of dwellings should be provided in order to contribute towards a sense of security within the home'*, no soft landscaping is provided in the case of the current site, however I note from Google Street View image dated 2018 that existing soft landscaping did at one stage exist along the subject site's boundary, comprised of intermittent shrubs and young trees, this however now appears to have been completely removed.

7.2.4. Section 8.2.8.4 (iii) outlines the development plan's approach to 'Boundaries' and states *'Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments'*, while I acknowledge this statement I would consider

that in the case of the current site the existing front boundary wall is marginally lower than that of surrounding properties and given the lack of established planting does not offer the same level of privacy to the subject site. In addition, as stated previously given the uphill slope of the lands adjoining the site on the public footpath, a greater viewing vantage into the front garden is provided for passing pedestrians and vehicles. Having said this however the incorporation of a new boundary wall along the front boundary of this dwelling of height 2 metres would in my opinion be excessive and significantly differ from that already visible along the street. The character of the area is established by the detached bungalow style houses and front gardens behind low rendered block boundary walls. Section 8.2.8.4 (iii) is clear in its requirements for front boundaries and the current proposal would in my opinion by virtue of its excessive height relative to existing boundaries, material finish, and design incorporating painted metal railing, be out of character with the established pattern of development in the vicinity and would constitute a visually discordant feature, therefore I consider the proposal is not acceptable at this location. In addition, the sense of openness would be lost on this prominent corner junction.

- 7.2.5. I would have concern also that to grant permission for this development may set an undesirable precedent for the piecemeal raising of boundary walls that would have a negative impact on the visual amenity and the character of the streetscape.

Passive Surveillance

- 7.2.6. The planning authority also consider that the proposal would severely limit passive surveillance of the public realm and would be detrimental to the provision of active street edges. I would not agree with same statement and note that the proposed new boundary treatment includes for large sections of painted horizontal metal railing infill between the proposed c. 2m high block piers. These sections will be see-through and are to be provided at regular intervals ranging in length from 2.2m to 3m, thus in my opinion providing plenty opportunity for passive surveillance of the adjoining street. In addition, I note that in many cases along the street the established high hedges to the front of nearby dwellings restrict surveillance of the street edges e.g., nos. 81 and 83 Beaumont Drive. In the case of the current proposal this would not be the case.

Shared boundary wall to front of dwelling

7.2.7. As part of the current proposal the applicant also seeks to increase the height of the northern boundary to the front of the dwelling. This boundary wall separates no. 95 from no. 93 Beaumont Avenue and is currently comprised of a 0.9m high capped rendered block wall. The area planner in their report stated that given the development description in the statutory notices refers explicitly to the front boundary only, this element was deemed to fall outside the scope of the current application and therefore was not considered further. I note the proposed boundary wall is located forward of the front elevation of the property and the proposals for amending same were included in the application documents i.e. clearly shown on the site layout plan, therefore I have no issue with the assessment of this element of the proposal as part of the current appeal. Having said this however I would consider the applicants proposal to increase the height of same wall to 2 metres excessive and same would in my opinion create a sense of enclosure which would be uncharacteristic of other shared boundaries along the street. Also I note that the front bay window of no.95 is located less than 2 metres north of this existing shared boundary and therefore I would have concerns that any increase in the height of this boundary wall may impact on the availability of daylight to this room.

7.3. Entrances

7.3.1. While I have no issue in principle with the addition of a pedestrian gate to the front boundary, I would again have an issue with the overall height of same at c. 2m and its impact in combination with the height of the boundary wall structure. Section 8.2.4.9 of the operative development plan 'Visual and Physical Impacts' states that there can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance. In addition, same section states that any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape. The boundary treatment as proposed is considered uncharacteristic of the area and though I note an example of a similar developed boundary wall has been submitted by the applicants as part of the appeal, this proposal is located in an area c.4km away and not within the immediate area. The proposed height and finishes of the boundary are therefore not considered acceptable.

- 7.3.2. The operative development plan at paragraph 8.2.4.9 'Vehicular Entrances and Hardstanding Area' states that automatic gates into residential development are not acceptable in terms of road safety unless the entrance is set back by 6.0m. The entrance to the appeal site is not recessed. I note from the submitted site layout plan that a sliding gate c. 2 m high is proposed, however it is not clear if same gate is to be automated (electric) or manual. If the Board are minded to grant permission I would suggest that a condition is attached to limit any sliding movement to that of a manual nature.

7.4. New Issue – Visibility and Traffic Safety

- 7.4.1. I note the Transportation Planning Section's concerns regarding the proposed vehicular entrance piers. The proposed piers have a height of c. 2m and given that the piers currently located on site have a height of c.1m it is considered that the increase in height would potentially impact on visibility when exiting the site. I would concur with the planning authority's concerns and having visited the site would agree that the provision of 2m high piers in conjunction with the high wall would not assist drivers when exiting the subject property and would reduce available sightlines along Beaumont Avenue. I note this issue did not form a basis for the planning authority's decision on appeal however I note that a condition was proposed by the Transportation Planning Section's stating that the height of the existing piers was not to be increased. This is a new issue, and the Board may wish to seek the views of parties, however having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and limited scale of the proposed development and the location of the site in a developed 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 give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed boundary wall and associated piers, by reason of excessive height relative to existing boundaries and material finish, would be incongruous in terms of its design, would constitute a visually discordant feature which would be out of character with the residential streetscape and would set an undesirable precedent for future development of this kind in this area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

27th September 2021