



An
Bord
Pleanála

Inspector's Report ABP310409-21

Development	Retain a front garden fence.
Location	35 Kilteragh Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0127
Applicant(s)	John and Catherine Turner
Type of Application	Retention Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First v Refusal
Appellant(s)	John and Catherine Turner.
Observer(s)	None
Date of Site Inspection	1 st August 2021
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The proposed development is entirely located within the front garden of 37 Kilteragh Road, Foxrock, County Dublin. The area is residential in character. The houses are detached, two storeys with front and rear gardens. The wider area is accessible from the N11 in the southern suburbs of Dublin city.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a timber fence along the southern boundary of the front garden of a house at 'Lavandin', 35 Kilteragh Road, Foxrock, Dublin 18.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

The fence, because of its length, height and design would be out of character with the pattern of front boundaries in the area, would seriously injure the visual amenity of the area, would set an undesirable precedent for similar development and contravene the planning authority's policy in relation to front boundary treatments set out at 8.2.4.8(iii) of the County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports

Drainage Planning reported no objection.

4.0 Planning History

- 4.1. No relevant planning history for the site but an enforcement case was opened in relation to the boundary fence.

5.0 Policy and Context

5.1. Development Plan

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.

Section 8.2.8.4(ii) states

- In all cases, suitable boundary treatments both around the side and between proposed dwellings shall be provided. In this regard, boundary treatments located to the rear of dwellings should be capable of providing adequate privacy between properties. 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.

5.2. Natural Heritage Designations

Not relevant.

5.3. EIA Screening

- 5.4. Having regard to the nature and scale of the proposed development, its location in a built-up area where potable and wastewater services are available, I conclude that there are no potential likely significant impacts on the environment and that submission of an EIAR and carrying out of an EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicants were unaware that permission for the fence was required.
- The fence is set back 80cms from the front/footpath boundary.
- The fence is entirely timber (no concrete posts as stated in the planning authority's reports).
- There is no negative visual impact on the area as the fence is largely obscured by evergreen planting.
- The 3m/4m high privet hedge originally separated the front gardens of 35 and 37 Kilteragh Road. The owners of 37 Kilteragh Road made a submission to the planning authority that stated no objection to this application.
- There is a wide variety of boundary treatments in the area and the wooden fence proposed for retention will not be out of character with this pattern of front garden boundaries.
- The applicants are pensioners who are concerned for security.

6.2. Planning Authority Response

- The grounds of appeal do not require additional comment.

6.3. Observations

- None

7.0 Assessment

- 7.1. Kilteragh Road is a residential road in the southern suburbs of the city. The houses are detached with front gardens that have low (about 0.7m) rendered/dashed boundary walls along the public footpaths. These walls have generally been back planted with hedging and shrubs/trees with the effect that apart from the

driveways/parking spaces front neighbouring gardens are relatively secluded. There appears to be no comparable uniformity in how boundaries between the front gardens have been treated but it does not appear that the type of front wall was carried back to the façades of the houses. The result is that there is a fairly wide variety and heights of boundaries between front gardens along the road.

7.2. The fence proposed for retention is timber and stops short of the front boundary wall. This is a standard boundary treatment in suburban areas, and I do not agree that it seriously injures the visual amenity of the area or will impact negatively on the residential amenity of the area. There is a planted strip within the application site which further softens the appearance of the timber if that were necessary.

7.3. While no observations were made to the Board in relation to this appeal, I note the submission from the owners/occupiers on 37 Kilteragh Road which requested that permission be granted for the boundary fence.

7.4. **Appropriate Assessment**

7.5. Having regard to the modest scale of the proposed development and the absence of emissions therefrom, I am satisfied that 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**

8.1. I recommend a grant of planning permission.

9.0 **Reasons and Considerations**

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

Having regard to the nature and modest scale of the fence proposed for retention and the pattern of front garden boundaries in the area and subject to compliance with the condition set out below it is considered that the proposed fence does not seriously injure the visual or residential amenity of the area, would accord with the

provisions of the County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application. Reason: In the interest of clarity.
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Hugh Mannion
Senior Planning Inspector

3rd August 2021