



An
Bord
Pleanála

Inspector's Report ABP-310583-21.

Development	Retain front boundary wall and vehicular entrance and gate.
Location	51 Cromwellsfort Road, Walkinstown, Dublin 12.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1330/21.
Applicant	Laura Martina and Donal Smith.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Laura Martina and Donal Smith.
Observer	None.
Date of Site Inspection	2 August 2021.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site adjoins Cromwellsfort Road which is a busy distributor road to the east of Walkinstown Roundabout in the south-west suburbs of Dublin city. The road is marked as two single carriageways and does not contain any defined bus lane or parking regulation.
- 1.2. The site contains a detached dwellinghouse which is one of a row of houses of similar scale and form at this part of the residential street. To the front of the dwelling house a new boundary wall and vehicular entrance gate are in place.
- 1.3. Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought to retain the development described as follows:
 - front boundary wall 1.7 m high
 - vehicle entrance and gate 4 m wide.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for two reasons summarised below:

- 4 m width of vehicular access is contrary to Appendix 5 of the development plan and the 1.7 m high front boundary walls are excessive resulting in reduced sightlines and poor visibility for drivers exiting the property across a public footpath. Would endanger public safety by reason of traffic hazard and set an undesirable precedent.
- Height of front boundary wall which is at variance with other properties along the road would set an undesirable precedent for similar front boundary treatments and would be a visually incongruous form of development which would seriously injure the residential and visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points in the planner's report are:

- Narrower entrance widths are more desirable and maximum widths are acceptable only where exceptional site conditions exist. Excessively wide vehicle entrance result in the loss of on street parking provision and impact on pedestrian safety and on streetscape character.
- The proposed development would be at variance with other properties and set an undesirable precedent. The proposed development would seriously injure the visual amenities of the area.
- Other changes undertaken have not been detailed on the statutory notices and these would need to be regularised in a separate application.
- Permission should be refused.

3.2.2. Other Technical Reports

Transportation Planning Division - the report notes as follows:

- Appendix 5 requirements are described.
- The width of the site is over 15 m and the front garden depth is over 11 m.
- The majority of houses have vehicular entrances.
- A maximum width of 3.6 m would not be appropriate, and no exceptional circumstances are established. A reduced width of 3.2 m would be acceptable having regard to the development plan standards and the location.
- The height of the front boundary wall at 1.7 m is of concern from a visibility point of view particularly with regard to pedestrians crossing the entrance. A 1.2 m high wall would facilitate improved sightlines and be more appropriate.
- No objection in principle to a vehicular entrance.
- Permission should be refused as the proposed development is contrary to the development plan and the height results in reduced sightlines and poor

visibility for drivers exiting the property across a public footpath. The proposed development would endanger public safety by reason of traffic hazard.

Drainage Division – no objection subject to standard requirements.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

There is no recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

Appendix 5 sets out the requirements for parking in residential streets and includes the stipulation that where driveways are provided, they shall be at least 2.5 m or at most 3.6 m in width and shall not have outward opening gates. The design standards in the leaflet 'Parking Cars in Front Gardens' shall also apply.

The above leaflet is available online. Amongst the provisions noted are the following:

- narrow widths are recommended
- sustainable drainage should be incorporated
- alterations to front boundary treatment should be minimal and aim to be complimentary and consistent with others in the area
- the front garden shall give the impression of being a front garden.

Separate standards apply in relation to residential parking and the curtilage of protected structures and conservation areas. These are set out in the main volume of the development plan.

The site is zoned Z1 the objective of which is 'to protect, provide and improve residential amenities'.

5.2. Natural Heritage Designations

The nearest European sites are South Dublin Bay SAC and South Dublin Bay SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the first party appeal are:

- The entrance width of a 3.92m and is marginally wider than the 3.6 m width set as a maximum under Appendix 5 and is imperceptible.
- The difference in width will not materially impact on speeds of vehicles.
- The enclosed engineers drawings demonstrates that safe sightlines can be achieved when exiting the property onto the 50 kph limit road. Due to the width of the vehicle entrance drivers will have a wider field of view than if the entrance was reduced to 3.6 m.
- The 1.7 m high wall is 500 mm higher than allowable under the exempted development rights. Due to level changes as viewed from Cromwellsfort Road the wall is only 1.6 m high. It does not impact on residential amenity. Walls along the road vary in height and design. Many front boundary walls exceed the typical heights of 1.2 m. It is not significantly higher than neighbouring walls and will not set an undesirable precedent.
- When the applicants purchased the house, they were unaware of the requirements. There is considerable financial cost to demolishing the pillars and reconstructing them.
- Other precedent cases are described.
- The 3.9 m wide entrance will not conflict with pedestrian or traffic movements in more than a 3 m – 3.6 m wide entrance. The additional entrance is in keeping with the established character of the road.

- Regarding reason 2 it is submitted that the development would not set an undesirable precedent and would not be visually incongruous or seriously injure visual or residential amenities. The front boundary wall is approximately 50 cm higher than adjoining and other properties.
- There will not be an undesirable precedent. When the house was purchased in 2020 it did not have a boundary wall. All other houses have front boundary walls in place some with hedging or fencing behind.
- Enclosed drawing showing 49 m sightlines and also the extent of reduced visibility with the narrowing of the gate width.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. I propose to separately assess the vehicular entrance and the boundary wall.

7.2. **Vehicular Entrance**

7.3. I agree with the consideration by the planning authority of the principle of the development. The overwhelming majority of dwellinghouses along this road have a vehicular access to the front garden. The area is not reliant on street parking and the opening up of an entrance would not fundamentally undermine the use of the street. In summary, there are no conservation or traffic management related reasons which would raise concerns relating to the principle of the development.

- 7.4. Regarding the width of the entrance the planning authority has clear and long-established policies to ensure that excessively wide entrances are not facilitated. It is clearly stated in the relevant documentation that narrower gates are preferred and the reasons for this are set out. The subject site has quite a wide frontage and in this context, there might be an argument that a wider entrance gate is proportionate. Nevertheless, I would consider that the basis for the development plan policy is reasonable and I note that the development which it is proposed to retain is greatly in excess of the minimum requirements and that the policy strongly promotes narrow entrances.
- 7.5. The grounds of the appeal make reference to the enhanced visibility which would be gained by the wider entrance which is in place. I consider that the sightlines proposed are sufficient even if narrowed to comply with the development plan standards. The sightlines in fact are influenced more by the height of the wall in this case.
- 7.6. I consider that the development plan is clearly contravened in terms of the width of the vehicular entrance which it is proposed to retain.
- 7.7. **Boundary wall**
- 7.8. At the time of inspection, I walked a considerable length of the street frontage in the vicinity of the proposed development. I noted that on both sides of the road the dominant character of the area as viewed from the public realm is to residential streets including views to houses, to the associated front gardens including parking bays and soft landscaping. At the site frontage of the subject development a very different character is exhibited as there are virtually no views into the dwelling house due to the height of the boundary wall in place. The proposed development is such that the dwelling house does not contribute to the streetscape and as such a grant of permission would set a highly undesirable precedent. I do not agree with the point made that other houses already have vehicular entrances in place and that there is no question of setting a precedent.
- 7.9. The height of the boundary wall is excessive in terms of available sightlines. While the sightline drawing shows the view from the entrance no documentation has been provided which considers the view across the top of the boundary wall. It is this view

which is likely assist in allowing motorists to be sure that pedestrians are not on the footpath. In essence I consider that the height of the wall contributes to concerns relating to traffic safety and this is part of the basis for the policy approach set out in the development plan and supporting documents.

7.10. Regarding other houses on other streets, I have not looked into the detail of the cases referenced but would note that different circumstances will arise in different cases. The task for the Board is to consider the merits of this particular appeal.

7.11. I agree with the decision of the planning authority in its description of the proposed development as a visually incongruous form of development.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

It is considered that the proposed development by reason of the width of the vehicular access and the height of the boundary wall would constitute a form of development which would impede views to pedestrians on the footpath, is visually incongruous and would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

3 August 2021