



An
Bord
Pleanála

Inspector's Report

ABP-311145-21

Development	Construction of a new boundary wall to the side and rear
Location	2 Carriglea, Old Park, Corbally, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	21494
Applicant(s)	Declan Ryan
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Andrew Pearse & Paula McNamara on behalf of Concerned Residents of Carriglea
Observer(s)	None
Date of Site Inspection	20 th January 2022
Inspector	Liam Bowe

1.0 Site Location and Description

1.1. The 0.034 hectares appeal site is located on a corner site within a cul de sac in Carriglea, Old Park to the east of Corbally Road in the northern part of Limerick City. Carriglea is a small residential estate of two-storey, detached and semi-detached houses. The site comprises an existing two-storey, semi-detached house that addresses the main vehicular access to this estate. A small cul-de-sac of twelve houses is formed to the west of the appeal site, of which the appeal site also forms part. The southern gable of the dwelling on the site and existing 2m high boundary wall address the street formed by this cul-de-sac. The site is open on its east side and is otherwise enclosed by block walls along the remaining flank boundaries. A grassed area abuts the southern boundary of the appeal site. There is a large area of public open space to the east of the appeal site.

2.0 Proposed Development

2.1. Permission is sought to construct a new boundary wall on the southern side of the appeal site that will enclose and incorporate the existing grassed area adjacent to the street into the private garden area of the appeal site.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to notification of decision, the Planning Authority issued a further information request on 10th June 2021 requiring details in relation to accommodating an existing public light, the stepping of the wall with the slope of the site, a revised site layout plan demonstrating sightlines, and a request to address the third party observation. The first party submitted revised drawings of the wall, a revised site layout plan demonstrating sightlines in accordance with DMURS, and full land registry details for the site.

3.2. Decision

On 22nd July 2021, Limerick City & County Council issued a notification of decision to grant permission, subject to four standard conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The initial report of the Planning Officer notes the objection received and raises concerns regarding the location of a public light, the nature of the proposed replacement wall, the sight lines at the junction of the cul-de-sac and main estate road, ownership details and issues raised in the third party submission. The applicant submitted unsolicited information in relation to land ownership.

Notwithstanding this, further information was recommended. A second report, subsequent to the submission of a response to further information, recommends a grant of permission consistent with the notification of decision which issued.

3.3.2. Other Technical Reports

None.

3.4. Prescribed Bodies

None.

3.5. Third Party Observations

3.5.1. Residents of Carriglea

- Contend that the proposed development would encompass a public green area that the children and residents of the estate have enjoyed the use of since 1998.
- Contend that new boundary wall will substantially reduce the line of sight at the junction of the cul-de-sac with the main north-south estate road.
- Contend that the line of sight from No.3 Carriglea would also be substantially reduced.

- Owners of No.3 Carriglea do not consent to the removal of their existing boundary (850mm) and replacement with a 2000mm high wall.

4.0 Planning History

4.1.1. Appeal Site:

P.A. Ref. No. 02/770075: Permission granted for one dividing wall and one front boundary wall, subject to three standard conditions.

5.0 Policy Context

5.1. Limerick City Development Plan 2010-2016 (as extended)

The site is in an area zoned '2A Residential' which has a zoning objective 'to provide for residential development and associated uses'.

5.2. Natural Heritage Designations

The site is not located within any European site. The closest Natura 2000 site is the Lower River Shannon SAC (Site code: 002165) located approx. 200m to the west and 500m to the east.

5.3. EIA Screening

The proposed boundary walls to the existing residential dwelling is not a class of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Concerned Residents of Carriglea. The main points made can be summarised as follows:

- Contend that the proposed development would encompass a public green area that the children and residents of the estate have enjoyed the use of since 1998.

- Carriglea residents believe that the Land Registry details are incorrect.
- The green area is shown on the originally approved planning application by Limerick City Council as a designated green space for the Carriglea estate.
- Contend that the applicant is incorrect stating that the wall was built in the wrong location originally.
- Contend that new boundary wall will substantially reduce the line of sight at the junction of the cul-de-sac with the main north-south estate road.
- The proposed boundary wall is different from other boundary walls in the estate as it protrudes past the front wall of the house.
- Contend that the issue of safe access and line of sight from No.3 Carriglea has not been addressed.
- Do not consent to the removal of shared boundary wall with No.2 Carriglea.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

7.0 Assessment

I consider the main issues in determining this appeal are as follows:

- Impact on the character of the area
- Loss of public open space
- Legal Issue
- Road safety and sightlines
- Appropriate Assessment

7.1. Impact on the character of the area

- 7.1.1. The appellants contend that the proposed development of a new boundary wall would protrude beyond the front wall of the house on the appeal site, which would be out of character with other boundary walls with the estate.
- 7.1.2. At present, the existing wall along the southern site boundary of the appeal site is 2m in height and drops to 1m on the corner. The first party proposes to replace the wall and move it further south so as to incorporate the open space that is presently to the south and outside of the wall to form part of his own private open space. The replacement wall would comprise three segments approx. 6m in length along the southern boundary; the westernmost of these segments (nearest No.3 Carriglea) is proposed at 2m in height and the other two are 1.8m in height. The 2m high segment is proposed to be chamfered in plan and offset from the boundary of No.3 Carriglea. Similarly, the easternmost part of the proposed boundary wall on the corner of the appeal site is also proposed to be chamfered and decreases to 1m in height.
- 7.1.3. I note the reference to the existing wall not being consistent with the permission, however, the current permission would supersede this. On the day of my site inspection, I also noted that a number of houses on corner sites within the Carriglea estate have their side boundary walls running to the front of the house - No.'s 22 and 30 are two examples in close proximity to the appeal site. I, therefore, have no concerns about the proposed development under this appeal setting a precedent for other similar developments, or being out of character with other boundary walls, within this estate. I consider the scale, design and depth of the proposed development would not be such as to have a significant impact on the visual or residential amenity of the area.
- 7.1.4. In conclusion, I consider that the proposed development of a new boundary wall at this location will not have a detrimental impact on the character of the estate and is, therefore, in accordance with the proper planning and sustainable development of this area.

7.2. Loss of public open space

- 7.2.1. The appellants contend that the proposed development would remove a public green area that the children and residents of the estate have enjoyed the use of since the estate was completed in 1998.

- 7.2.2. From the details provided by the appellants, it would appear that the site area was intended to form a grassed area that was open to the cul-de-sac and publicly accessible. Specifically, I note that the planning application drawings for the original development permitted under P.A. Ref. No. 96/78 appear to show the area as open space. I also note and agree with the planning authority's statement that this green area is incidental open space and of little amenity value.
- 7.2.3. I note the very extensive and maintained public open space to the east of the appeal site. In this context, I am of the opinion that the green space to be incorporated into the appeal site plays no significant role in the amount of play or amenity space available to the residents of Carriglea. Given the narrowness of the strip of open space combined with its proximity to a junction in the estate I consider that it has a limited or no role in the provision of amenity for the estate. In my opinion, the loss of the open space would be minimal and would not have any significant negative impact on the residential amenity of the area.
- 7.2.4. In conclusion, I consider that the proposed development of a new boundary wall at this location will not result in any significant loss of open space and is, therefore, in accordance with the proper planning and sustainable development of this area.

7.3. Legal Issue

- 7.3.1. I note the issue of ownership of the site alluded to by the appellant, however I also note the land registry folios submitted by the first party which show that they have legal interest in the site. The validity of the land registry folios is questioned by the third party however no clear information contradicting them is presented. On the basis of the information available, I am satisfied that there is no clear information presented to conclude that the applicant does not have sufficient legal interest in the site.

7.4. Road safety and sightlines

- 7.4.1. The appellants contend that the proposed development would create a traffic hazard as it would substantially reduce the line of sight at the junction of the cul-de-sac with the main north-south estate road and would also reduce the line of sight exiting no.3 Carriglea.

- 7.4.2. As stated earlier in this report, the part of the boundary wall nearest the No.3 Carriglea is proposed to be chamfered and offset from this shared boundary. Similarly, the part of the boundary wall on the corner of the appeal site decreases gradually to 1m in height. Both of these design features are in order to ensure that adequate sightlines remain available both exiting the No.3 Carriglea and at the junction of the cul-de-sac with the estate road.
- 7.4.3. The third party refers to 'Recommendations for Site Development Works for Housing Estates' and a requirement to provide sightlines from a point 4.5m from the road edge. The relevant Section 28 guidance is the 'Design Manual for Urban Roads and Streets', which requires sightlines of 45m in a 50kph zone from a point 2.4m back from the road edge. I consider that the first party has clearly demonstrated the required sightlines (please refer to Sheet No.104 of the further information submitted to the Planning Authority on 25th June 2021).
- 7.4.4. I am, therefore, satisfied that the proposed alterations to the boundary at this location would not give rise to a traffic hazard as adequate sightlines are available for this residential area.

7.5. **Appropriate Assessment**

- 7.5.1. The site of the proposed development is located within the urban area of Limerick City at a location which is separated from Lower River Shannon SAC (Site Code: 002165) by extensive buildings, infrastructure and other developments. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the nature of the proposed development, the limited amenity value of the site, to the residential zoning objective for the area and the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the amenities or character of the area and would not create a traffic hazard at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes shall harmonise in colour and texture that is complementary to the house or its context.</p> <p>Reason: In the interest of visual amenity.</p>

Liam Bowe
Planning Inspector

14th February 2022