



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311222-21

<b>Development</b>	Retention sought for raising height of the boundary wall, raising height of gateway piers and installation of sliding gate.
<b>Location</b>	75A Sandymount Road, Sandymount, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2916/21
<b>Applicant(s)</b>	Michael O'Malley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael O'Malley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> February 2022
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 287sqm is located on Sandymount Road close to Sandymount Village. The site contains a semi-detached, two storey, brick fronted dwelling which previously contained a dental surgery. There is an existing vehicular entrance to the front comprising a sliding gate. The existing front boundary has been raised with a timber fence. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

2.1. Retention permission is sought for raising height of the existing roadside boundary wall with timber fencing, raising height of existing plastered gateway piers and installation of sliding gate.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Dublin City Council issued a notification of decision to refuse permission for the following reason:

*1) The front boundary wall including pillars and gates, which at 1810mm are excessive in height, result in reduced sightlines and poor visibility for drivers exiting the property across a public footpath. The proposed development would therefore endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for further similar development in the vicinity and would be contrary to the proper planning and development of the area.*

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be refused for a single reason relating to the excessive height of the front boundary wall, pillars and gate that would result in reduced sightlines and poor visibility for drivers exiting the property

across a public footpath. This recommendation is in line with the recommendation of the DCC Transportation Planning Division (see below). The notification of decision to refuse permission issued by Dublin City Council reflects this recommendation.

### 3.2.2. Other Technical Reports

- **Drainage Division** – No objection subject to conditions as set out in their report.
- **Transportation Planning Division** - Recommended that permission be refused for the following reason:

*The front boundary wall including pillars and gates, which at 1810 mm are excessive in height, result in reduced sightlines and poor visibility for drivers exiting the property across a public footpath. The proposed development would therefore endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for further similar development in the vicinity.*

### 3.3. Prescribed Bodies

#### 3.3.1. None

### 3.4. Third Party Observations

#### 3.4.1. There is one observation recorded on the appeal file from Brian Colgan. The issues raised relate to the following:

- The high fence and gate are not in keeping with any other houses or gardens in the village of Sandymount.
- The applicants fail to demonstrate a real need for this development.
- Development to be retained would set a precedent for the area which would impact the tone and mood of the village.
- Requested that permission be refused.

## 4.0 Planning History

4.1. There is no evidence of any previous appeal on this site and no planning history has been made available with the appeal file. The following is noted from the Case Planners report:

- **Reg Ref 0133/02** - Permission granted for change of use from a 4-bedroom residence to a dentists surgery at the ground floor and one bedroom apartment at the first floor.
- **Enforcement E0234/21** - Enforcement Warning Letter issued for timber placed on wall 1.8m high

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The site is zoned **Z1** where the objective is “*to protect, provide and improve residential amenities*”. The site is also within a designated **Conservation Area** but is just outside the Sandymount Village Architectural Conservation Area. Relevant policies are set out below:

- **Section 11.1.5.6 Conservation Area – Policy Application**

*New development should have a positive impact on local character. In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise. Where a building has been identified as having a negative impact on an area, a pro-active approach to improvement will be sought. Where proposals involve demolition, policy for demolition of protected structures and buildings in conservation areas should be referred to.*

- **Appendix 5**

This sets out standards for various classes of development including vehicular entrances.

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

## 5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

6.1.1. The first party appeal against the decision to refuse permission may be summarised as follows:

- The installation of the new fence lines does not have a material impact on how a car exits the property
- The piers of the boundary wall remain insitu and as a result the installation of the new fence lines does not have a material impact on how a car exits the property
- The stopping sight distance for a design speed of 50km/h is achievable based on the recommendations of DMURS
- Based on the current RSA Road Collision Statistics, access / egress to / from the property is statistically safe with no reported incidents at this location
- The RSA collision statistics does not point to any collision trends at this address

### 6.2. **Planning Authority Response**

6.2.1. None

### 6.3. **Observations**

6.3.1. None

## 6.4. Further Responses

6.4.1. None

## 7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle
- Design & Scale
- Traffic Safety
- Appropriate Assessment
- Other Issues

### 7.2. Principle

7.2.1. The appeal site is wholly contained within an area zoned is Zone Z1: Sustainable Residential Neighbourhoods where the objective is “to protect, provide and improve residential amenities” and where extensions and alterations to an existing dwelling for residential purposes is considered an acceptable development in principle. This is however subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### 7.3. Design & Scale

7.3.1. As stated retention planning permission is sought for the raising the height of the existing boundary wall with timber fencing, raising the height of the existing plastered gateway piers and installation of sliding gate. The timber fencing is set back from the existing wall and will increase the height of the boundary to 1.81m. The width of the existing vehicular opening has not been increased but the piers have been increased in height matching the timber fencing along with the sliding gate.



7.3.2. The site is within a designated Conservation Area but is just outside the Sandymount Village Architectural Conservation Area. As observed on day of site inspection there is a varied of boundary treatment along this stretch of Sandymount Road, including low walls with railings, front boundary walls with high hedging behind and open boundaries with low piers. I agree with the Case Planner that in this instance the timber fencing and gate will not have a serious negative impact on the visual amenity or character of the area.

#### **7.4. Traffic Safety**

7.4.1. DCC refused planning permission was refused as the front boundary wall including pillars and gates result in reduced sightlines and poor visibility for drivers exiting the property across a public footpath and would endanger public safety by reason of traffic hazard. This recommendation is based on an internal report from the DCC Transportation Planning Division.

7.4.2. I share the concerns raised by the Transportation Planning Section with regard to the height of the front boundary wall from a visibility point of view, with particular regard to pedestrians using the footpath crossing the vehicular entrance. As observed on day of site inspection the proposed front wall significantly reduces sightlines and raises traffic safety concerns at a location where there is an existing high-demand on-street parking bays adjacent to the vehicular entrance and bus services operating along Sandymount Road. The existing vehicular entrance to be retained results in poor visibility and reduced sightlines, thereby creating a traffic safety hazard. Refusal is recommended.

#### **7.5. Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the development and its distance to the nearest European site, 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.

## 7.6. Other Issues

- 7.6.1. **Development Contribution** - I refer to the Dublin City Council Development Contribution Scheme 2020-2023. Section 11 outlines circumstances where no contribution or a reduced contribution apply. It is stated that residential ancillary car parking will not be required to pay development contributions under the Scheme. However, I would also draw the Boards attention to Section 13 where it states that *no reductions in whole or in part shall apply to permissions for retention of development*. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition be attached.

## 8.0 Recommendation

- 8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **REFUSED** for the following reasons and considerations.

## 9.0 Reasons and Considerations

- 1) The front boundary wall including pillars and gates, which at 1810mm are excessive in height, result in reduced sightlines and poor visibility for drivers exiting the property across a public footpath. The proposed development would therefore endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for further similar development in the vicinity would in themselves and cumulatively, be contrary to the proper planning and sustainable development of the area.

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**Mary Crowley**

**Senior Planning Inspector**

**21<sup>st</sup> February 2022**