



An
Bord
Pleanála

Inspector's Report ABP-311672-21

Development	Raise level of boundary wall that addresses Brehon Field Road.
Location	No. 8 Grangefield, Ballinteer, Dublin 16, D16 C582.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D21B/0399.
Applicant(s)	Emer Fitzpatrick.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant(s)	Emer Fitzpatrick.
Observer(s)	None.
Date of Site Inspection	14 th day of January, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 8 Grangefield, the appeal site has a stated 0.0266ha site area and it is located c55m to the east of Grangefield's cul-de-sac junction with Grange Hall, in the Dublin city suburb of Ballinteer, Dublin 16. The site comprises of a two-storey semi-detached property with a rear garden boundary that aligns with Brehon Field Road. The immediate site setting is characterised by two storey detached houses with the modest development of Grangefield laid out in L-shaped cul-de-sac arrangement.

2.0 Proposed Development

- 2.1. Planning permission is sought for the raising of the existing rear boundary wall that addresses Brehon Field Road together with all associated site works. According to the documentation on file the applicant seeks to raise the existing wall which has a given 2115mm height to 2740mm with the palette of materials, finishes and treatments matching that of the existing rear boundary wall, i.e., nappe plaster wall with brick pillar extensions and concrete capping over.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 21st day of October, 2021, the Planning Authority issued a notification of a decision to refuse retention permission for the development sought under this application for the following stated single reason:

“1. *The proposed development does not contribute to a high quality public realm of the creation of active streets and would detract from the area in terms of visual amenity. The proposed development is contrary to Policies UD1, UD3 and UD5 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and would, therefore be contrary to the proper planning and sustainable development of the area.*”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis of the Planning Authority's decision, and it concludes with a recommendation for refusal as set out in the manager's order.

3.3. Other Technical Reports

3.3.1. None.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. None.

4.0 Planning History

4.1. There is no recent and/or relevant appeal cases in the immediate and wider vicinity of the subject site. The Planning Authority's Planning Officer's report refers to the following two cases:

P.A. Ref. No. D14B/0039: Planning permission was **granted** to increase boundary wall height to Brehon Field Road by 620mm and the increase of pillars by the same to match existing rear boundary treatment of No. 9 Grangefield.

P.A. Ref. No. D09B/0021: Planning permission was **granted** to increase boundary wall height to Brehon Field Road by 570mm and the increase of pillars by 635mm to match existing rear boundary treatment of No. 10 Grangefield.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The site is 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 of the Development Plan sets out that appropriate boundary treatments should be provided around sites and between existing as well as proposed dwellings. It also sets out that existing boundary treatments should be retained where possible; that boundary walls may be required to reflect the scale, height, materials and finishes of existing walls and buildings; and that impact features like boundary walls shall normally be finished to harmonise in colour texture, height, and size to its setting.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within the setting of a designated Natura 2000 site. There are no Natura sites within the immediate or wider setting.

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the development comprising a boundary amendments together with its associated works, the site's location in a built-up area zoned for residential development where public water mains and sewerage are available the need for environmental impact assessment can 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 grounds of this First Party Appeal can be summarised.

- The Board is sought to overturn the decision of the Planning Authority in this case.
- There is established planning precedent for this type of development in the setting of the site. Reference is made to the Planning Authority's grant of permission P.A. Ref. No. D14B/0039 and P.A. Ref. No. D09B/0021.
- The reason for the proposed development is to improve the security of the property.
- It is also sought to provide protection from anti-social behaviour with the appellant contending rubbish and other items have been thrown over the wall into the rear garden.

- It is also sought due to Brehon Road being a noisy road with the sound levels arising from the road impacting adversely on their residential amenity. In particular the enjoyment of her rear private amenity open space.
- The road the subject property backs on to has a wide carriageway, grass verge, path, and cycle lane on both sides. It is a functional road and is not in an area of beauty but is a thoroughfare.
- This road was never intended to be an animated street and the suggestion by the Planning Officer of the same is illogical as properties rear face onto this road.
- There are no other houses on either side of this road providing any animation to this road.
- The proposed development is designed to be consistent with the scale and pattern of development in the area.
- This property suffers from the lowest wall and is at a point of entry for anti-social behaviour and security breaches.
- The Planning Officer places too much weight on Policies UD1, UD3 and UD5 of the Development Plan to justify their reasons for refusal.
- The planning precedent for such a development has already been established in the immediate vicinity.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority's response requests the Board to have regard to their Planning Officer's report and it considers that the appeal raises no new matters that would justify a change of attitude to the proposed development.

6.3. Observations

- 6.3.1. None.

6.4. Further Responses

- 6.4.1. None.

7.0 Assessment

- 7.1. This appeal site is zoned under the Dun Laoghaire Rathdown County Development Plan, 2016-2022, as Objective A with the states land use objective for lands subject to this zoning is: *“to protect and/or improve residential amenity”*.
- 7.2. In terms of permitted, open for consideration and not permissible development the development sought under this application, i.e., boundary treatments are not specifically listed. Section 8.3.7 of the Development sets out that in these cases these will be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question and I am cognisant that boundary treatments are important features in defining properties. In general, they are a type of proposed development deemed to be acceptable subject to safeguards which in this case that they do not conflict with the protection and improvement of residential amenities.
- 7.3. Having carried out an inspection of the site I observed that the height of the rear boundary wall serving No. 8 is such that it provides limited protection of this property’s residential amenities. Particularly on the day my site inspection was carried out with the inspection carried out outside of peak hours there was a heavy stream of traffic along Brehon Field Road. The curvature alignment and the concrete walls aligning it at this point are of a height that do little to abate the adverse level noise of noise that arises from this heavily trafficked road.
- 7.4. I also observed that properties in the immediate vicinity of the appeal site have modified their rear boundaries. With No. 9 and 10 Grangefield Park forming part of the immediate streetscape scene that includes the appeal site together with these modifications breaking the coherence and unity of what were originally matching in height and finish boundary treatments bounding the residential development of Grangefield Park and the southern stretch of Brehon Field Road to the east of Grange Hall junction with this road and to the west of Brehon Field Roads junction with Kingston Avenue.
- 7.5. In addition, I observed that in immediate proximity to the rear boundaries of No.s 1 to 11 Grangefield Park the majority of properties have provided other natural and built features since these properties were completed and first occupied. These natural

features in the form of soft landscaping through to shed and other types of ancillary residential outbuildings all project above the boundary wall with Brehon Field Road.

7.6. Moreover, I concur with the appellant in this case that this stretch of road and the development on either side within the site context is one that was not purposefully designed to include activation of Brehon Field Roads public domain by way of land uses having principal addresses opening onto it and the like. It is the case that this predominantly residential area is one where the majority of the development turn their backs on this road.

7.7. Further, whilst I accept that this road has been laid out with wide streets, generous footpaths, provisions for separate cycle lanes through to linear tree planning. With the tree planting in time providing improved screening for residential properties that back onto it. Brehon Field Road's predominant function is a road that provides connection to the R826 and the M50 to the east and to the west Junction 12 of the M50 to the west as well as suburban Dublin to the east of the M50 corridor at this location.

7.8. Based on the above considerations it is my opinion that in this instance that the proposed development is consistent with the land use zoning objective for the site and its setting which seeks to protect as well as improve residential amenities. It would have been more ideal at the concept stage of the Brehon Road and the development of residential schemes on either side of it that a more detailed consideration was had to the potential adverse impact of this road by way of noise. With a more robust response in terms of at least boundary treatments to prevent down the line ad hoc piecemeal proposals to seek additional height to safeguard residential amenities. It is also my opinion that the design, the overall height, the material finishes through treatments are respectful to the existing boundary wall which would aid their visual assimilation. They also are similar to those permitted previously by the Planning Authority under P.A. Ref. No. D14B/0039 and D09/0021. I therefore recommend that the Board in this case overturn the Planning Authority's decision to refuse planning permission for the development sought under this application.

7.9. **Appropriate Assessment**

7.9.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of

the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. I recommend that planning permission be **granted**.

9.0 Reasons and Considerations

9.1. Having regard to the pattern of boundary treatments in the area and the design and scale of the proposed extension in height to the existing rear boundary wall of No. 8 Grangefield and Brehon Field Road and to the provisions of the Dún Laoghaire-Rathdown County Council Development Plan, 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the character of the streetscape and would not seriously injure the amenities of nearby dwellings. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.2. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars, 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.

Reason: In the interest of clarity.

2. The external finishes of the proposed boundary extension shall match those of the existing boundary in respect of materials, colour and texture.

Reason: In the interest of visual amenity.

Patricia-Marie Young
Planning Inspector

17th day of January, 2022.