



An
Bord
Pleanála

Inspector's Report

ABP-313089-22

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| Development | The removal of excess hedgerows and replacement with a boundary wall and railings to match existing |
| Location | Colp East, Donacarney, Co. Meath |
| Planning Authority | Meath County Council |
| Planning Authority Reg. Ref. | 2233 |
| Applicant(s) | Stephen Malone |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Stephen Malone |
| Date of Site Inspection | 27 th June 2022 |
| Inspector | Colin McBride |

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.37 hectares, is located to the south east of Drogheda and the southern side of the L-5164 in the rural area of Co. Meath. The appeal site is occupied by a two-storey detached dwelling. The existing dwelling on site has a splayed entrance with walls and a mature hedgerow boundary along the road side.

2.0 Proposed Development

- 2.1. Permission is sought for the removal of excess hedgerows and replacement with a boundary wall and railings to match. The height of the wall and railings is 2.125m and matches the design, finish and dimensions of the existing entrance.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reasons...

1. It is an objective (DM OBJ 11) of the Meath County Plan 2021-2027 to require “Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible” and a policy (RD POL 9) “To require all applications for rural houses to comply with ‘Meath Rural House Design Guide”.

The proposed boundary wall and railings by reason of its design, appearance and siting along the adjoining road would be out of keeping with the rural character of the surrounding area would have a harmful impact on the visual amenity of the surrounding area and would establish an undesirable precedent for similar types of development.

Accordingly to permit the proposed development would materially contravene the policy and objective of the Meath County development Plan 2021-2027 and seriously injure the amenities, or depreciate the value, of property in the vicinity 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

Planning Report (02/03/22): The proposal to remove the existing roadside hedgerow boundary was considered contrary to Development Plan policy and injurious to the visual amenities of the area. Refusal was recommended based on the reason outlined above.

3.3. Third Party Observations

None.

4.0 Planning History

Ib200587: Permission granted for an extension to garage and addition of a second level.

SA110026: Permission granted for the construction of a single-storey garage.

SA802383: Permission granted for demolition of an existing house and construction of a two-storey dwelling.

5.0 Policy Context

5.1. Development Plan

The relevant Development plan is the Meath County Development Plan 2021-2027.

RD POL 9: To require all applications for rural houses to comply with 'Meath Rural House Design Guide'.

DM OBJ 11: Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible.

9.16 Roadside Boundaries

Roadside boundaries, whether hedgerows, sod and stone bank, stone wall or other boundaries, provide important features that are elements of both the landscape and ecology of rural areas. The retention of such boundary treatments assists in absorbing new rural housing into its surroundings and should generally be encouraged.

Occasionally, the removal of substantial lengths of roadside boundaries is proposed as part of an element of improving visibility at the junction of a new entrance onto a road. Where an alternative site is available and otherwise suitable, applicants and Planning Authorities should consider a location that avoids the necessity for widespread boundary removal.

RD POL 41

To avoid the removal of existing roadside boundaries where they are more than 3 m from the road edge (edge of carriageway), except to the extent that this is needed for a new entrance, and where required for traffic safety reasons. (Please refer to policies contained in Section 8.9.7 Woodlands, Hedgerows and Trees in this regard).

To promote the retention of field boundaries and mature trees and hedgerows to protect the rural character of the area.

5.2. Natural Heritage Designations

None within the zone of influence of project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 First party appeal lodged by Stephen Malone, Colp East, Donacarney, Co. Meath.

- The applicant/appellant outlines the background of the case with significant levels of development permitted in the vicinity (residential and commercial) leading to increases in traffic on the road. The proposal is to improve sightlines at this location and is in the interest of traffic safety.
- The appellant notes a decision at a neighbouring house which has permitted removal of the entire roadside hedgerow with the refusal inconsistent with this decision. The applicant note other developments and decisions, which are inconsistent with the approach to this application including multiple housing developments in close proximity to the site (350m).
- The design and scale of the wall and railing is consistent with the existing entrance walls and railings and will not be out of keeping at this location.
- Although the site is located in a rural area it is located immediately proximate to areas that are zoned for residential and commercial development.

6.2. Planning Authority Response

6.2.1 Response by Meath County Council.

- The proposal would materially contravene the policy and objectives of the Meath County development with specific reference to DM OBJ 11 and RD POL 9.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Design, scale and Development Plan policy.

7.2 Design, scale and Development Plan policy.

7.2.2 The proposal is to replace an existing roadside hedgerow boundary serving an existing dwelling with a wall and railings. Permission was refused on the basis that the appeal site is in a rural area and there are various policies requiring retention of trees and hedgerows where practicable. The applicant is of the view that the proposal would improve sightlines and notes that there are developments in the vicinity in which the roadside boundary hedgerow has been removed in favour of provision of walls.

7.2.3 The appeal site is located in an area defined as the rural area under Development Plan policy despite being in an area in close proximity to urban development. Development plan policy is relatively clear and consistent on this issue with a clear preference for retention of boundary trees and hedgerow wherever practicable (DM OBJ 11, Section 9.16 and RD Pol 41). The existing house was granted permission on the likely basis that sufficient sightlines are available at this location and the existing entrance features a splayed entrance. There is likely an obligation on the applicant to maintain the hedgerow to keep sightlines clear. The grant of permission for the original dwelling (SA802383) includes a condition (10) requiring retention of existing hedgerow, trees and shrubs on site.

7.2.4 I would be of the view the removal of existing trees and hedgerows would be contrary Development Plan policy as set out under Section 9.16 and policy and objectives under DM OBJ and RD POL 41. Given the location of the site in a rural location in between urban areas the loss of such in favour of boundary walls and railings would diminish the rural character of the area and be contrary Development Plan policy. Issues of inconsistency of application of policy by the Local Authority is not an issue of relevancy with my assessment based on development plan policy as written in the County Development Plan.

8.0 Recommendation

8.1. I recommend refusal based on the following reason.

9.0 Reasons and Considerations

1. Development Plan policy under the Meath County Development Plan 2021-2027 is clear and consistent in terms of its policy and objectives in relation to retention/removal of hedgerow in rural areas. It is clear under Section 9.16 and policy and objectives DM OBJ 11 and RD POL 41 that there is a requirement to retain such unless removal is required to facilitate traffic safety. The proposal is for removal of substantial length of existing trees and hedgerow along the road frontage of an existing dwelling in a rural area in favour of provision of a wall and railings. The removal of such would not be justified on the basis of traffic safety and the proposed would be contrary to Development Plan policy in relation to such as well as resulting in diminished rural character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

06th July 2022