



An
Bord
Pleanála

Inspector's Report ABP 313093-22.

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| Development | Retention of front boundary wall, gate and railings. |
| Location | No 21 Whitestrand Road. Galway. |
| Planning Authority | Galway City Council |
| P. A. Reg. Ref. | 22/1 |
| Applicant | Ronan Tully. |
| Type of Application | Permission for Retention. |
| Decision | Refuse Permission for Retention |
| Type of Appeal | First Party X Refusal |
| Appellant | Ronan Tully |
| Observers | 1.Caoimhe Wallace 2.Patrick Greaney. |
| Date of Inspection | 9 th August, 2022. |
| Inspector | Jane Dennehy. |

Contents.

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|---|---|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 3 |
| 3.2. Planning Authority Reports | 4 |
| 3.3. Third Party Observations | 4 |
| 4.0 Planning History..... | 5 |
| 5.0 Policy Context..... | 5 |
| 5.1. Development Plan..... | 5 |
| 6.0 The Appeal | 5 |
| 6.1. Grounds of Appeal | 5 |
| 6.2. Planning Authority Response..... | 6 |
| 6.3. Observations | 6 |
| 7.0 Assessment..... | 7 |
| 9.0 Recommendation..... | 9 |
| 10.0 Reasons and Considerations | 9 |

1.0 Site Location and Description

- 1.1. The application site is that of a semi-detached house with a rear garden and front curtilage surfaced for use for off street parking. At the site frontage there is relatively recently constructed front boundary walling over a length of approximately 3.3 metres at a height of 1.2 metres, On the remainder of the frontage which is approximately six metres in length there are two gate piers and double gates.
- 1.2. Whitestrand Road is within a long-established residential area to the north of Grattan Park, the south of Father Griffin Road, to the east of the R336 and, to the west of Father Burke Road. It comprises two storey houses with front and rear gardens. Some of the original front boundary walls and entrances have been altered.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for permission for retention of a boundary wall, gates and railings along the site frontage. There is also provision for a planter area adjacent to the east boundary shown on the lodged plans. Photographs were provided as unsolicited additional information which were accepted by the planning authority.
- 2.2. The proposed gate has a width of 5004 mm and a height of approximately 1600 mm. It is set between gate piers 1620 and 1630 mm in height and 500 mm in width with a boundary wall at a height of 1200 mm along the remaining 3300 mm of frontage based on examination of the lodged plans.
- 2.3. According to the written submission the gates were erected as a security measure and it is contended that there is an existing problem of anti-social behaviour in the area, and it is submitted that aesthetically, the gates are acceptable.

3.0 Planning Authority Decision

- 3.1. The planning authority decided to refuse permission for retention based on the two reasons which are outlined in brief below.

According to Reason 1, the proposed development does not satisfy section 11.3.1. (g) of the CDP whereby, entrances should not normally exceed three metres in width and the maximum extent of wall and hedging should be retained.

According to Reason 2, the proposed development by reason of design, height and extent is out of character with the prevailing pattern of development in the area, is seriously injurious to residential amenities and depreciates property value in the area and would set undesirable precedent for similar development.

3.2. Planning Authority Reports

- 3.2.1. The Transportation Department's report indicates a recommendation for an additional information request for details to demonstrate adequate visibility along the public road, the presence of an electricity pole being noted and secondly that it be demonstrated that DMURS standards are achieved in a further submission.
- 3.2.2. The planning officer, who in his report recommends the refusal of permission for retention, notes variations in heights of front boundary walls of property in the vicinity with most of which are not in excess 1.2 metres and he considers that the boundary wall on the application site is similar and as such would constitute exempt development.
- 3.2.3. He also notes the five metres' width of the entrance which exceeds the maximum of three metres width as provided for in the CDP and he considers that the gate and piers are excessive in scale and height and out of character with the area adversely affecting residential amenities in the area.

3.3. Third Party Observations

- 3.3.1. According to the planning officer report, five objections were lodged at application stage, two of which are by the Observer parties. The issues raised are that of excessive height for the gates and pillars, traffic hazard at the entrance obstruction of visibility and incompatibility with the character of the area with adverse visual impact.

4.0 Planning History

- 4.1. There is no record of planning history for the site. However, the planning authority issued notices in respect of unauthorised development following which the current application was lodged. (Reference No 21/016 refers.)

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site location is within an area subject to the zoning objective: R: *“To provide for residential development and for associated support development which ensures protection of existing residential amenity and contribute to sustainable development”*.
- 5.1.2. According to section 11.3.1. (g) vehicular entrances shall not normally exceed three metres in width and where feasible, the maximum extent of boundary wall/hedging shall be retained.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant on his own behalf on 22nd March, 2022 attached to which are some photographs and a statement that the entrance was widened to 3.8 metres in width from the former owner of the application site property.
- 6.1.2. According to the appeal:-
- The acknowledgement in the planning officer report as to the front boundary wall being exempt development and observation as to the variation boundary heights in the area is noted.
- 6.1.3. With regard to Reason 1 is submitted that:
- It is clearly evident in the area that it has been necessary to alter entrances, gate piers and boundary wall heights to safeguard properties in the area.

There are seven driveways in excess of three metres in width along the road. At the adjoining property the width is six metres. There is another entrance in excess of six metres width dating from 2018. Other neighbouring properties have front boundary wall height of 1.25 metres with piers at 1.32 metres and 1.52 metres. Five properties opposite have piers at 1.45 metres in height and a gate is at 1.35 metres in height.

- The original gateway width was 3.8 metres, and the width was increased so that a second car could be parked in the front curtilage. A degree of flexibility is allowed for in the CDP provision (Section 11.3.1. (g) having regard to the inclusion of the term “not normally exceed”.
- Flexibility should be applied in that for security reasons to prevent vandalism and to provide for a safe access to and from the property in that cars used by customers of local shops which are parked on the road often obstruct the entrance. There is only a 3.7 metres space for manoeuvres into the driveway. If there had been no problems of security or hazard there would have been no need for the proposed development.

6.1.4. With regard to Reason 2 is submitted that:

- There are sixteen properties, seven of which have altered entrances along Whitestrand Road. The proposal does not alter or significantly reduce existing symmetry in that symmetry is derived from building height, material and consistency of decorative finishes. There is no significance of the architecture of the street by way of the varied wall, gate and gate pier heights and many hedges are over two metres in height.

6.2. **Planning Authority Response.**

6.2.1. There is no submission from the planning authority on file.

6.3. **Observations**

6.3.1. There are two submissions each of which is outlined below.

6.3.2. Caoimhe Wallace, 23 Whitestrand Road.

- The development obstructs vision for vehicles exiting the driveway of Ms Wallace's property resulting in safety concerns.
- The height of the gates and pillars alters the character of the area and gives the impression of a need for security at the property.
- The development if retention is permitted would set precedent for further similar development.

6.3.3. Patrick Greaney, 9 Grattan Park.

- There are no issues as to vandalism in the long-established residential area.
- There has been little change to the houses along the east side of Whitestrand Road since they were constructed in the 1950s, but the proposed pillars and the gate negatively alters the streetscape.

7.0 Assessment

7.1. It appears that further to the alterations undertaken by the previous property owner in 2013, as indicated the statement attached to the appeal, that increase in width of entrance to circa 3.8 metres constituted unauthorised development. No details of any prior grant of planning permission are available. The current proposal provides for an opening of five metres in width which is well in excess of the maximum width of three metres provided for under section 11. 3 1. (g) of the CDP. With regard to the claim in the appeal that flexibility in the application of this restriction is warranted it is not accepted that there is a valid justification in the case of the subject proposal.

7.2. The road is not heavily trafficked, the original low height boundary treatment, (generally at circa 0.9 – 1.2 metres) allowed for appropriate vision on both directions for vehicles entering and exiting the property in forward and reverse gear. The gate piers subject of the application which have a height of 1.62 metres partially obstruct this visibility in each direction for the subject property and in one direction at properties to either side where the original gate piers have been retained.

7.3. Furthermore, it is not accepted that the proposed development can be justified due to the applicant's concerns as to safety and security at the property and generally in

the Whitestrand road area. There are no other exceptional circumstances that might warrant flexibility with regard to the maximum width for entrances provided for under section 11.3.1. (g) of the CDP.

- 7.4. There is no dispute that entrances to properties elsewhere along Whitestrand Road have been altered, but it is questionable, further to review of the planning authority's planning register as to whether any of these works have the benefit of a grant of planning permission. There is no evidence available as to support a case for planning precedent for the current proposal.
- 7.5. It was noted during the review of the planning authority's planning register that that Permission was granted at a property in the vicinity at No 9 Whitestrand Park for retention of removal of boundary to facilitate parking at a property operated as a bed and breakfast with off street parking under P. A. Reg Ref 10/284. The property was operated as a commercial business. The original proposal had provided for retention of an entrance of 8.5 metres on a site frontage of 10.18 metres but under Condition No 2 attached to the grant of permission for retention, the entrance width was limited to five metres with the applicant being required to complete the required works within a limited time period.
- 7.6. Separately, it is agreed with the planning officer that the design and materials used for the proposed development are of high quality however, retention cannot be justified on this basis.
- 7.7. **Environmental Impact Assessment.**
- 7.7.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.
- 7.8. **Appropriate Assessment.**
- 7.8.1. Having regard to the scale and nature of the proposed development and to the location removed from any European Sites no Appropriate Assessment issues arise. 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

- 8.1. Given the foregoing, it is recommended that the planning authority decision to refuse permission for retention be upheld, based on the following reasons and considerations.

9.0 Reasons and Considerations

The proposed vehicular entrance to serve the dwelling, having regard to its width at five metres and gate piers at a combined width of one metre are excessive in proportion to the remaining length of the front boundary wall at 3.3 metres is in conflict with section 11.3.1. (g) of the Galway City Development Plan, 2017-2023 according to which the maximum width for vehicular entrances shall not normally exceed three metres and the maximum extent of boundary wall should be retained and, having regard to the heights of the wall, gates and gate piers is visually incongruous and seriously injures the visual amenities and character of the original prevailing low profile front boundary treatment in the streetscape and, if permitted would set undesirable precedent for further similar development. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
15th August, 2022