



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314593-22

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<b>Development</b>	Alter the front boundary wall and all associated site works
<b>Location</b>	39 Carrick Hill,, Dublin Road,, Portlaoise,, Co. Laois, R32 E54N
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	22395
<b>Applicant(s)</b>	Aidan and Mary O Connell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Aidan and Mary O Connell
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	24 <sup>th</sup> of July 2023
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. Carrick Hill is a low density residential estate located off the Dublin Road in Portlaoise. The estate is a leafy mature estate consisting of large, detached dwellings on large individual curtilages.
- 1.2. The subject site, 0.24ha, is located at the back of the estate on a cul de sac. The dwelling house, No. 39 Carrick Hill, is positioned the furthest away within the estate from the Dublin Road fronting a hammerhead turning area. No. 39 is a beautifully maintained detached redbrick house with mature landscaping throughout.
- 1.3. Along the road frontage there is a 1.2metre redbrick wall which matches the exterior finish of the dwelling on site and electric cast iron gates.

## 2.0 Proposed Development

- 2.1. It is proposed to alter the front boundary wall to reduce the brick wall to 1.135m in height and provide new metal railings on top of the wall along it's full length to match the existing gated entrance. The existing piers will be increased in height to 1.8m, with railings provided at 5metre intervals along the full length of the front boundary wall (41.2m).

## 3.0 Planning Authority Decision

### 3.1. Decision

Laois Co. Co. refused the proposed development for one reason.

*The proposed development by reason of its overall height and the use of inappropriate materials will fail to respect the context of the site and the pattern of development in the area.*

*The proposal will give rise to an unduly obtrusive form of development which would provide a harmful, negative impact on the streetscape. On this basis, the proposed development would seriously injure the amenity of the area, depreciate the the value of property in the vicinity of the site and set an undesirable precedent for other such*

*development in the area, contrary to the proper planning and sustainable development of the area.*

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

- The applicants were refused planning permission for alterations to the boundary wall under planning reference 22/172.
- The properties in Carrick Hill have various house types and boundary treatments providing an attractive, open and leafy appearance.
- The increased height of the boundary wall and the introduction of railings is inappropriate.
- The proposal would serve to gate the property giving rise to an obtrusive appearance which would provide a negative and harmful impact to the streetscape.
- It is considered the proposal would introduce a sense of severance and defensiveness, and an unwanted precedent.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

### ***Planning Reference 22/172***

Alterations to the front boundary wall was refused by Laois Co. Co. because of its height and inappropriate materials it would give rise to an unduly obtrusive appearance and would be harmful to the streetscape.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plans governing the area are the Portlaoise LAP 2018-2024 and the Laois County Development Plan 2021-2027.

The subject site is within a Residential 1 zoned area which an objective '*To protect and improve the amenity of developed residential communities*'.

### 5.2. Natural Heritage Designations

The site is within an urban area 8.5km from the River Barrow and River Nore SAC and the Slieve Bloom SPA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 *The proposed development by reason of its overall height and the use of inappropriate materials would fail to respect the context of the site and pattern of development in the area.*

- The extension of the piers is to be done using the exact same brickwork that the wall is constructed from.
- The proposed new railing along the top of the wall will match the design of the existing entrance gate along with the two smaller side gates located to the two gable walls of the dwelling.
- The wall is a private boundary between two distinct private properties.
- The house is located at the end of a cul de sac. The only people that would see the property are burglars and the Garda that attend every year.
- There are different types of boundary treatments throughout the estate.
- There are very few residents approach this part of the estate on the private service road. Therefore, it is absurd of the Planning Report to suggest that the altered wall would have an impact on the entire estate.

- The claim that property in the vicinity would be devalued by the alterations to the wall. The wording misrepresents the reality on the ground, and the Planning Report does not state which properties or how they could be devalued by the works to the existing front boundary wall.
- There has been a spate of burglaries in the area and attempted break-ins on the subject site. The applicant was attacked on his property. They have security on the property. The proposal is for self-protection, which the Planning Report fails to understand. The neighbours have no objection to the proposal.

## 7.0 Assessment

- 7.1. The context of the subject site is critical to the assessment of the proposed development. Carrick Hill is low density residential development off the main Dublin Road in Portlaoise town. The estate road has two spur roads which are both cul de sacs. The estate is on an incline and includes 40 no. dwellings, all dwellings are detached two storey units with mature gardens, giving a leafy ambience to the estate.
- 7.2. The subject site is 0.24ha and is positioned along the eastern portion of Carrick Hill in the middle of a row of four dwellings which appear to have the largest individual curtilages within the Carrick Hill estate. These four houses are positioned on the highest part of the estate and because of their location at the end of a cul de sac and at the rear of the site, they are not visible from the wider estate. No. 39 Carrick Hill is located on a hammerhead however, the road fronting the four houses is narrow and not the standard carriageway width for a housing estate. There is a small coppice to the front of No. 39 which appears to serve the entire estate.
- 7.3. No. 39 Carrick Hill includes a large red brick house setback from the service road, and fronted by a large, paved area. The curtilage is meticulously maintained. There is a red brick wall along the front boundary (41.2metre) and an existing wrought iron electric gate circa 2metres in height.
- 7.4. The proposed development is an alteration to the front boundary wall to provide piers at circa 5m intervals on top of the existing wall, and metal railings to match the entrance gate. The existing 41.2m wall fronting the site is 1.2metres in height. It is

proposed to retain the wall exactly as it is, but to lower the height to 1.1metre and to provide a short metal railing across the top it, which will create an overall height of 1.8metres. The existing brick coursing across the top of the existing wall shall be used to increase the height of the existing piers so that they are flush with the proposed metal railings.

7.5. Following a number of attempted break-ins and burglaries, the applicants wish to make their property more secure.

7.6. The planning authority have refused the development on the following basis:

*The proposed development by reason of its overall height and the use of inappropriate materials will fail to respect the context of the site and the pattern of development in the area.*

*The proposal will give rise to an unduly obtrusive form of development which would provide a harmful, negative impact on the streetscape. On this basis, the proposed development would seriously injure the amenity of the area, depreciate the value of property in the vicinity of the site and set an undesirable precedent for other such development in the area, contrary to the proper planning and sustainable development of the area.*

7.7 Whilst I accept the reason for refusal is a subjective matter, I would not agree with the reasoning and logic behind the planning authority's decision to refuse.

It is my opinion:

- The proposed height is not excessive, the proposed metal railing will break the monolithic appearance of a full 1.8metre brick wall. The railing will integrate seamlessly with the existing 1.2metre wall and 2metre metal gates.
- The materials are not inappropriate. The brick wall currently exists on site, it is not going to be removed and replaced. The existing wall matches the red brick dwelling on the curtilage and is to be retained. The metal railings match the existing metal electric gate, which is a design feature of dwelling and its curtilage.

- The development will not be unduly obtrusive or harmful to the streetscape. The street/ the front of the dwellinghouse is not visible from the public realm of the Dublin Road. In addition, it is only visible from within Carrick Hill estate over a very short distance i.e. in front of the site itself and this is the end of cul- e-sac location where no traffic pass except adjoining residents.. The western and eastern site boundaries of the dwelling are 2metre high with dense hedging. The adjoining dwellings also have 2metre hedges fronting their sites, a number with post and rail fencing.
- The proposed development will have a minimal material impact on streetscape because it is a relatively minor alteration to an existing wall, the scale/ height is in keeping with the existing boundary treatments and the materials blend in with the existing specifications of the boundary treatment and dwelling on site.
- The railings are transparent and will not create a monolithic appearance within its sylvan setting. Having regard to the scale and height of the dwelling on the site relative to the height of the proposed development, and the separation distance between the roadside boundary wall and the front building line of the dwelling, I consider the overall scale and height of the proposed development to be acceptable and proportionate.

7.8 On balance the decision to refuse should be overturned because the reason for refusal is unreasonable and the impact of the proposed development on the surrounding area has been greatly exaggerated and unsubstantiated by the planning authority's decision and supporting Planner's Report.

## 8.0 Recommendation

8.1. I recommend the planning authority's decision to refuse be overturned and that the Board grant planning permission for the development.

## 9.0 Reasons and Considerations

Having regard to;

- The existing height and specification of the existing front boundary wall and gates;
- Location of the subject site remote from the public road;
- The site location within Carrick Hill estate at the end of a cul de sac;
- The separation distance and scale of the dwellinghouse on site relative to the proposed development;

It is considered the proposed alterations to the existing front boundary wall are minor in scale and in keeping with the visual and residential amenities of the area. The proposed development is in keeping 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 on the 29<sup>th</sup> of June 2022.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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**Caryn Coogan**  
**Planning Inspector**

**27<sup>th</sup> of July 2023**