



An
Bord
Pleanála

Inspector's Report

ABP-315411-22

Development	Single dwelling home improvements including retention
Location	88 Rockford Park, Blackrock, Co Dublin, A94N5Y4
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22A/0776
Applicant(s)	David Kennedy
Type of Application	Retention Permission and Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party Appeal
Appellant(s)	David Kennedy
Observer(s)	None
Date of Site Inspection	29 th July 2023
Inspector	Susan Clarke

1.0 Site Location and Description

1.1. The triangular shaped site, which has a stated area of 0.0206ha, is located on Rockford Park and contains a two-storey, end-of-terrace dwelling with a single storey shed to the rear. The dwelling is setback from the public roadway and is served by off street parking. This is an established residential area.

2.0 Proposed Development

2.1. Retention permission is sought for:

- Increase in height of the front and side boundary walls from 1.1m to 2.1m with timber cladding fence,
- Widening of existing vehicular entrance to 2.7m, and
- Increase in height of the entrance pillars to 2.1m.

Planning permission is sought for:

- Increase in height of the rear boundary wall from 1.7m to 2.1m
- Installation of safety mirrors to driveway piers.

The following amendments are proposed to the scheme as part of the First-Party Appeal: (i) the entrance pillars reducing from a height of 2.1m to 1.6m; a reduction in the front and side boundary fencing from 2.1m to 1.95m; (iii) a tapering of the fencing from the entrance piers to gradually move from 1.6m up to 1.95m; and (iv) increase the rear wall to 2m overall.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for the following two reasons:

1. *The development for retention, namely the front boundary treatment facing Rockford Park, **by reason of its design, height, colour and finish**, would be **visually obtrusive** when viewed along the streetscape and from adjoining properties, would detract from the visual amenity of the area, would set a poor*

*precedent for similar type development in the area and therefore **contravenes Section 12.4.8.2** the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The development for retention would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area. (Bold: My emphasis.)*

2. *Due to **Endangerment of Public Safety as a result of the lack of visibility** between vehicles exiting the development and existing pedestrian and vehicular movements at the vehicular entrance - i.e. the proposed retention works would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the **FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation)** of the Planning and Development Act, 2000. (Bold: My emphasis.)*

3.2. Planning Authority Reports

3.2.1. Planning Report

The main points of the Planner's Report include:

- Having regard to the design, height, scale and finish of the retained piers and boundary wall for retention, it is considered that it would have a negative impact on the existing streetscape, would be incongruous and have a negative impact on the visual amenities of the area.
- No objection to the raising the rear block boundary wall.
- Proposal to retain the widened entrance to 2.7m is in compliance with Section 12.4.8.1 of the Development Plan, however given the cumulative number of other issues, a refusal is recommended.

3.2.2. Other Technical Reports

Transportation Planning – Recommends refusal as per Reason No. 2 outlined above.

Drainage Planning – No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

No planning identified relating to the subject site.

ENF27722 – Enforcement

Enforcement proceedings ongoing in relation to the widening of the vehicular access without planning permission and the erection of fencing which may not comply with exemptions available under the Planning and Development Regulations, 2001 (as amended).

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan, 2022-2028

5.1.1. The Dun Laoghaire Rathdown County Development Plan, 2022-2028 is the operative Development Plan for the area.

5.1.2. The site is located in an area zoned 'A', which has a stated objective "*to provide residential development and improve residential amenity while protecting the existing residential amenities*".

Section 12.4.8.1 of the Development Plan relates to General Specifications of Vehicular Entrances and Hardstanding Areas and states *inter alia*:

Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.

Section 12.4.8.2 relates to Visual and Physical Impacts of Vehicular Entrances and Hardstanding Areas and states *inter alia*:

Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to avoid these. Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3. EIA Screening

5.4. Having regard to the nature and scale of the development proposed, the site location within an established suburban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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

A First-Party Appeal was submitted to the Board on 21st December 2022 and included a revised drawing No. 2351_PLA_RI 'Revised Design Proposal', which illustrates (i) the entrance pillars reducing from a height of 2.1m to 1.6m; a reduction in the front and side boundary fencing from 2.1m to 1.95m; (iii) a tapering of the fencing from the entrance piers to gradually move from 1.6m up to 1.95m; and (iv) increase the rear wall to 2m overall.)

The grounds of appeal can be summarised as follows:

- There are numerous precedents for similar developments in the area: 139 Rockford Park, Blackrock (Reg. Ref. D20A/0850); 25 Rowanbyrn, Densgrange (Reg. Ref. D13B/0093); 14 Kill Avenue, Dun Laoghaire (Reg. Ref. D21A/0300); 3 Monaloe Park Road, Densgrange (Reg. Ref. D12B/0389); 127 Rockford Park, Deansgrange (Reg. Ref. D20A/0428); 161 Foxrock Close, Deansgrange (Reg. Ref. D18A/0022); 82 Meadow Vale, Deangrange (Reg. Ref. D15A/1099); 37 Eden Park Drive, Goatstown (Reg. Ref. D22A/0326); and 6 Brooklawn Wood, Blackrock (Reg. Ref. D21A/0995).
- Bus stop located directly opposite the site on the L1024 is an intrusion of privacy in the garden and house.
- Due to the unusual shape of the rear garden, it is largely unusable and as such the front garden is the main communal space. The increase in height of the boundary walls will provided improved privacy.
- The front boundary treatments is required for security, noise and privacy.
- The widened driveway complies with Development Plan policy.
- Permission was granted at No. 139 for entrance pillars at a height of 1.6m (Reg. Ref. D20A/0850).
- The proposed amendments included with the Appeal will visually create a huge difference in the overall form. The tapered form adds a further contemporary design move onto the already contemporary fenced structure to the boundary walls.
- The design and scale of the proposed development had been informed by the character of adjoining properties and has had due regard to nearby properties.
- Due to the design, height, colour and finish of the proposal, it would not be visually obtrusive when viewed along the streetscape and would not detract from the visual amenity of the area.
- Due to the number of precedents in the area, the proposal does not set a poor precedent for similar type development.

6.2. **Planning Authority Response**

- 6.2.1. The Local Authority advised the Board on 25th January 2023 that it considers that the grounds of appeal raise no new matters.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

- 7.1. I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. The main issue for consideration is the reasons for refusal, as cited by the Planning Authority. These can be addressed under the headings Visual Amenity and Road Safety. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issues for consideration is addressed below.

7.2. **Visual Amenity**

- 7.2.1. The Local Authority's first reason for refusal relates to the visual impact of the front boundary treatment. It is argued that the design, height, colour and finish would be visually obtrusive when viewed along the streetscape. Section 12.4.8.3 of the Development Plan addresses the issues of visual impact of vehicular entrances. The Plan states that vehicular entrances and on-site parking should not dominate frontages of properties and that a minimum of a third of the front garden should be maintained in grass or landscaped space. While the front boundary treatment differs from the adjoining dwelling, I do not consider that it adversely impacts the visual amenity of the area (see Photograph 3 attached to this Report). As is evident from the attached photographs to this Report, there are a variety of boundary treatments in the area (see Photographs 4 and 5). In my opinion, the proposal represents a contemporary design, while also providing increased privacy in the front garden, which is stated to be the

primary amenity space due to the unusual shape of the rear garden. The proposal is consistent with the Development Plan's policy for the maintenance of at least a third of the front garden to be grassed or landscaped. I do not consider that the boundary treatment dominates the property. I highlight that the site is not located in an architectural conservation area, nor are there any nearby Protected Structures. I note that the proposed alterations included in the Appeal including reducing the height of the entrance pillars front and the side boundary fencing, however I do not consider that these would create a significant difference in terms of the visual impact of the proposal and as such, in my opinion, the alterations are unnecessary.

7.2.2. I concur with the Local Authority that the proposed amendments to the rear boundary wall would not have any negative visual impact that would adversely impact on the adjoining neighbours.

7.2.3. In conclusion, having regard to the site's context being an end of terrace unit and positioned on a corner, and the contemporary design of the front and side boundary treatment, I do not consider that the proposal would adversely impact the area's visual amenity or detract from the area and as such is consistent with Section 12.4.8.3 of the Development Plan.

7.3. **Road Safety**

7.3.1. The Local Authority's second reason for refusal relates to traffic safety. Section 12.4.8 of the Development Plan states that vehicular entrances should be designed to avoid traffic hazard for pedestrians and passing traffic. For single residential dwellings, the maximum width of an entrance is 3.5m. As stated by the Applicant, the entrance measures 2.7m and as such is consistent with the Development Plan in this regard. The subject site forms part of the Rockford Park estate, which is a low density residential area with a corresponding low level of vehicular and pedestrian activity. The L1024, which runs parallel to the road in front of the subject site, accommodates a much larger traffic volume and is serviced by Dublin Bus. The residential roadway to the front of the site only serves the estate. Due to the layout of the road network within the estate at this point, traffic speeds are low. The majority of dwellings in the estate have off-street car parking. The site can only accommodate one car parking space and as such it is reasonable to assume that traffic movements and speeds to and from the property are relatively low. Having reviewed the precedent cases

referenced in the Appeal and visited the area, I note that such vehicular entrances are not uncommon. I note that the Local Authority has granted permission previously for same, including in areas where pedestrian activity and vehicular volumes and speeds would be much greater than the subject site, and in many cases convex road safety mirrors were not proposed nor conditioned where permission was granted. In my opinion, the proposed development does not represent a significant traffic hazard and as such I do not recommend that permission is refused on this basis.

8.0 Appropriate Assessment Screening

8.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced suburban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

9.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the zoning of the site, the pattern of development in the vicinity of the site, the nature and extent of the proposed development, and the provisions of the Dun Laoghaire Rathdown County Council Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not set an undesirable precedent for similar developments in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.</p>

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.

Susan Clarke

Senior Planning Inspector

31st July 2023