



An
Bord
Pleanála

Inspector's Report ABP315715-23

Development	Retain front garden fence
Location	16 The Close, Boden Park, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0487
Applicant(s)	Robin Petrie
Type of Application	Retention
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	First Party
Appellant(s)	N/A
Observer(s)	N/A
Date of Site Inspection	18 th May 2023
Inspector	Andrew Hersey

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1.0 Site Location and Description

- 1.1. The proposed development is located in a cul-de-sac in a suburban housing estate in Rathfarnham, Dublin. The site comprises of a 2 storey semi-detached dwelling with front and rear gardens. The said fence subject of this appeal is located adjacent on the party boundary between No 16 Boden Close and No 14 which is the adjoining property to the east. There is a hedge growing in No 14 which is at the same height of the said fence.

2.0 Proposed Development

- 2.1. The proposed development is for retention permission for a fence erected along the front garden boundary of the two properties. The fence is a timber fence and is 1.962 metres at its highest point dropping to 1.8 metres at the boundary wall at the public footpath.

3.0 Planning Authority Decision

3.1. Decision

- Grant permission on the 11th January 2023

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 11th January 2023) reflects the decision of the Planning Authority. The following is noted from the report;

- There are concerns that the height of the fence will restrict visibility for cars exiting the driveway and that this poses a risk for pedestrians and cyclists.
- A fence of the height proposed is not consistent with the Council's House Extension Guide (2010) which stipulates that the heights of walls or fences in front gardens should not exceed 1.2metres
- A condition is imposed to reduce the height of the fence to 1.2 metres within 3 months of the order to grant permission.

3.2.2. Other Technical Reports – Roads Department (received 25th November 2023)

- The roads report states that the height of the fence inhibits driver visibility, creates a road safety hazard which increases risk for pedestrians and vulnerable footpath users. It is recommended that the proposed development be refused permission

4.0 Planning History

- None identified

5.0 Policy and Context

5.1. Development Plan

5.1.1. South Dublin County Development Plan 2022-2028

- The site is zoned as RES in the above plan the objective of which is *‘To protect and improve residential amenity’*

5.2. Natural Heritage Designations

- The site is not located within or adjacent to any Natural Heritage Designations nor is there a hydrological link to the same

5.3. EIA Screening

- 5.3.1. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

- A first party appeal has been lodged by the applicant, Robin Petrie on the 7th February 2023

6.1. Grounds of Appeal

- That he has a right to privacy, security and safety that is afforded by the said fence
- That the fence is not out of character with the residential estate as suggested in the planners report
- That even if he were to reduce the height of the fence to 1.2 metres as required, the hedge in the adjacent garden which is a similar height to the said fence will still remain. The traffic safety issue raised therefore will not go away as a consequence of the reduction of the height of the fence

6.2. Planning Authority Response

- The Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the planners report. (received 23rd February 2023)

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. Introduction

7.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

7.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Visual Amenities
- Traffic Safety

7.2. Visual Amenities

7.2.1. The proposed development is for the retention of a timber fence located adjacent to the party boundary of the front garden of No 16 Boden Close and No 14 Boden Close in Rathfarnham. The said fence is painted an attractive colour and planting has added visual interest to the said fence. The fence is as high as an evergreen hedge growing on the boundary line in No 14.

7.2.2. The case planners report on file refers to the South Dublin County Councils House Extension Design Guide (2010) and in particular section 5 of the same where he refers to a stipulation that boundary heights do not exceed 1.2 metres. I have examined this document and I note that Section 5 of the guide sets out exempted development rights for domestic works. The 1.2 metre high boundary height referred to in Section 5 is the height of a boundary in a front garden that does not require planning permission. The guide does not state that boundaries in front gardens over 1.2 metres are inappropriate in suburban locations.

7.2.3. There are a number of other fences and hedged boundaries in other adjacent properties that exceed 1.2 metres

7.2.4. On this basis, I consider that, in terms of visual amenity, that the height, design and material finish of the fence subject of this appeal is appropriate in this context and does not detract from the existing house and equally will not have a negative visual impact upon neighbouring properties nor the streetscape in general.

7.3. Traffic Safety

- 7.3.1. I refer to the report from the Roads Department dated 25th November 2023. It is not clear from the report as to whether a site visit was carried out by the reporting officer in this instance. The report states that it is the Roads Department standard condition regarding front boundary walls is that boundary walls should be no more than 0.9metres at vehicle access points and that boundary pillars be a maximum height of 1.2 metres. It is likely that this condition is applied to all new housing developments in the South Dublin area
- 7.3.2. I wish to state that on the day of my site visit there was no traffic on the said road which terminated in a cul-de-sac. I am of the opinion therefore that traffic is infrequent and would likely have low travelling speeds.
- 7.3.3. I note the concerns regarding the potential for the safety of pedestrians when cars exit the driveway.
- 7.3.4. The planning authority have proposed to grant permission stipulating that the said fence be reduced to 1.2 metres. I am of the opinion that this will not achieve anything in terms of increasing visibility as there is an existing pier which is 1.350 metres high which I consider is the element which would hinder visibility when a car leaves the driveway. This pier is existing and cannot be taken away, as is the hedge along the boundary in the adjacent garden which again cannot be taken down. The reduction of the height of the fence to 1.2 metres as required by condition No. 1 will not improve traffic safety in any respect.
- 7.3.5. Having regard to the above, I consider the height of proposed fence for retention does not increase the risk of traffic safety

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban 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.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following condition;

9.0 Reasons and Considerations

9.1. Having regard to the information submitted with the application and the nature and scale of the proposed development for retention, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site, would not be injurious to the visual amenities of the area, would not increase the risk of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained 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>
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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

Andrew Hersey
Planning Inspector

9th June 2023