



An  
Bord  
Pleanála

## Inspector's Report ABP315828-23

### Development

Retention of existing high painted timber panelled fencing to front and side garden boundaries. The development is subject to Dublin City Council Section 154 Enforcement Notice of 22/07/2022.

### Location

No. 143 Richmond Road, Dublin 3,  
D03PK82

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB2073/22

### Applicant(s)

Ms Kate Nicole

### Type of Application

Retention

### Planning Authority Decision

Refusal

### Type of Appeal

First Party Appeal

### Appellant(s)

Ms. Kate Nicole

### Observer(s)

None

### Date of Site Inspection

22/05/2023

## **1.0 Site Location and Description**

- 1.1. The applicant site is located at No. 143 Richmond Road, Dublin 3. The site comprises a 2-storey semi-detached house with front and rear garden. The front garden is enclosed by a high painted panelled timber fence, which obscures the ground floor elevation from street view. The front elevation exhibits an attractive red brick with stone dressing finish. There is planting discernible behind the high wooden fence. This vegetation is protruding above the height of the wooden fence.
- 1.2. No.143 Richmond Road is one of a pair of semi-detached houses with the adjoining No. 141 Richmond Road both of these houses are set back from Richmond Road; No. 141 has a low brick wall and vehicular entrance gate defining its boundary with Richmond Road.
- 1.3. The applicant site is located on the north side of Richmond Road between Grace Park Road to the north west and Waterfall Avenue to the east. Richmond Road is heavily trafficked. The land use in the vicinity is predominantly residential. However, there are a number of light industrial units in the immediate environs. For example there are light industrial units at Nos. 157-159 Richmond Road. The footpath outside No. 143 Richmond Road is dished adjoining No.141 Richmond Road. However the dishing to No. 143 does not match the double gate opening symmetrically located in the high painted timber fence fronting the street.
- 1.4. The north side of Richmond Road between Grace Park Road and Waterfall Avenue comprises 2 / 3 storey terraced houses and apartments, semi-detached and detached dwellings. The majority of dwellings enjoy a set back from the road comprising small and larger front gardens. The majority of the less modest gardens have been hard surfaced and boundary treatment facilitates vehicular access.
- 1.5. The majority of properties along the north side of Richmond Road from Grace Park Road to Waterfall Avenue enjoy a set back from the Road. However, there is no clear uniformity in building line. There are also a number of buildings (Grace Park Cottage at No.117 Richmond Road) and the terrace adjoining No. 143 Richmond

Road to the east of the applicant site where there is no set back and the building line defines the footpath edge (terrace east of No. 143 Richmond Road to Waterfall Avenue). The saw tooth character of the building line along the north side of Richmond Road is accentuated by the heterogeneous boundary treatments in terms of form, height and material finish.

## **2.0 Proposed Development**

2.1. Retention of existing high painted timber panelled fencing and double pedestrian gate to front and side garden boundaries. The development is subject to Dublin City Council Section 154 Enforcement.

## **3.0 Planning Authority Decision**

### **3.1. Refusal Retention Permission**

**Reason:** The current Dublin City Development Plan 2022-2028 under Appendix 5, requires that in terms of front boundary treatment, when considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area, which are of a high standard and in keeping with the overall character of the streetscape. The boundary treatment to be retained is visually dominant and intrusive within the surrounding streetscape contrary to Appendix 5 and would therefore, in itself by the precedent it would set for similar front boundary treatment, be seriously injurious to residential and visual amenity and be contrary to the proper planning and sustainable development of the area.

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

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

The decision of the CEO Dublin City Council reflects the recommendation of the Planning Officer.

### 3.2.2. Other Technical Reports

No objections subject to conditions.

## 4.0 Planning History

None relevant

## 5.0 Policy and Context

### 5.1. Dublin City Development Plan 2022-2028:

The applicant site is zoned Z1: Residential (*to protect, provide and improve residential amenities*).

Appendix 5 (Transport and Mobility: Technical Requirements) of the Dublin City Development Plan 2022-2028, Section 4.3.5 (Treatment of Front Boundaries) states:

*There are many different types of boundary treatment in existence. When considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape. Vehicular entrances with splayed entrance walls or fences will not generally be permitted. All boundary treatment shall take cognisance of the need to provide adequate visibility.*

In the matter of wooden fencing the following guidance is provided.

#### *Wooden Fencing*

*This is not very common and has a limited life in the Irish climate. In replacing decayed timber fencing, a consistent approach with neighbouring boundaries should be considered. It may be worthwhile to agree a common approach with neighbours.*

## 5.2. Natural Heritage Designations

Not relevant

## 5.3. EIA Screening

The development to be retained comprises a high timber painted wood panelled fence within an established urban area. The development is not in a class where EIA would apply.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following grounds of appeal have been submitted:

- The properties on Richmond Road do not have a uniform boundary treatment to the street. The material finish of boundaries are eclectic in terms of their height and material finish. A number of examples are cited including nos. 177 and nos. 157-159 Richmond Road.
- The subject timber fence is 5 years old and has proven robust. It is very secure, in good condition and is well maintained. It is not intended to be ugly. The fence does not obstruct and does not bother anyone in the neighbourhood. It has acted as a deterrent to anti-social behaviours in the area.
- The motivation for the fence is safety and security. Examples of anti-social behaviours are cited, which resulted in damage to property and intimidation of the appellant. The fence is essential to the security of the residents of no. 143 Richmond Road. The appellant notes the fence has proven to be of essential defence.
- The objector to the planning application to Dublin City Council for retention of the fence is vexatious. However, the adjoining neighbour has no objection to the development.

- The intention is to replace the fence with a shorter and more traditional boundary once the planting has matured and anti-social behaviours have ceased.

## 6.2. Applicant Response

N/A

## 6.3. Planning Authority Response

None on file

## 6.4. Observations

None

## 6.5. Further Responses

N/A

## 7.0 Assessment

### 7.1. I identified the main planning issues as follows:

- The applicant site is zoned Z1: Residential (*to protect, provide and improve residential amenities*). The development to be retained is a permissible use.
- The principal planning issue is the compatibility with the policy requirements of Section 4.3.5 of Appendix 5 (Transport and Mobility: Technical Requirements) of the Dublin City Development Plan 2022-2028, which provides guidance in the alteration of front boundaries. This planning policy matter is fully considered below:

Appendix 5 of the Dublin City Development Plan 2022-2028 states *inter alia* that: *When considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape.* The Planning Authority refused permission for the development subject to non-

compliance with this provision of the Plan citing that the development is visually dominant and intrusive within the surrounding streetscape contrary to Appendix 5 and that it would set a poor precedent for similar front boundary treatment.

The appellant states that safety considerations predominantly motivated the high enclosing fence construction. The appellant notes the lack of uniformity in the boundary treatment along Richmond Road and cites examples as evidence of the diversity of boundary height and finish in the vicinity. The lack of uniformity of existing height and finish, combined with security and health reasons is given as the rationale for a grant of retention permission on appeal.

The appellant also evidences that the choice of material finish of the painted timber fence was the subject of detail consideration in the matter of design quality and robustness before construction. The appellant also notes that the planting behind the fence requires time to mature in order to create a privacy barrier. It is noted that the planting behind the fence is clearly established and is visible above the parapet of the fence on the day of my site visit.

It is noted that the neighbour in the adjoining semi-detached house at no. 141 Richmond Road has written a letter of support submitted with the appeal.

- 7.2. I would concur with the appellant that boundary treatment in the area is not uniform and that in specific the north side of Richmond Road is characterised by heterogeneous boundary treatment in terms of form, height and material finish. There is no uniform building line between Grace Park Road and Waterfall Avenue on the north side of Richmond Road. However, most dwellings are set back from Richmond Road with modest and larger front gardens predominating.
- 7.3. On balance the front and side boundary treatments in the area albeit heterogeneous have a level of transparency not evident in the development to be retained, which is in nature a compound type enclosure exhibiting a solid painted high timber fence located on both the front and side boundaries. The timber boundary fence is 2.4 metres in height extending the full extent of the front boundary (approximately 6.5 metres) and the full extent of the west boundary (approximately 7 metres); the east boundary is enclosed by the gable (and boundary wall) of the adjoining building to the east (identified in the drawings as no.1 adjacent). The adjoining building at No.1 (adjacent) is set forward of the building line of Nos. 141 and 143 Richmond Road

with the front elevation aligned with the Richmond Road footpath. The configuration of the gable of no. 1 (the adjacent property on Richmond Road) and the existing brick and stone boundary wall (with no. 143) combined with the height and location of the painted timber fence to the west (side) boundary and front boundary of No. 143 Richmond Road results in full enclosure of the front garden of no. 143 Richmond Road. Thus obscuring from the street the ground floor elevation of No. 143 Richmond Road.

- 7.4. In conclusion, the high painted timber fence forms an enclosure, which is defensive in motivation and character. The rationale for the construction of the enclosure is transparent in the appeal statement. The appeal submission cites substantive security concerns relating to previous anti-social behaviours. The defensive nature of the development is neither complementary or consistent to boundary treatment in the area notwithstanding the eclectic character of existing boundary treatments in terms of height and finish on Richmond Road.

It is considered in this regard that the high painted timber fence boundary is inconsistent with the overall character and streetscape and is incongruous in terms of height and design with the low and transparent boundary of the adjoining semi-detached house at no. 141 Richmond Road. Furthermore, it is considered that the development to be retained would set an undesirable precedent for the full enclosure of the front gardens of properties in the vicinity by the construction of similar high front and side boundaries to create non-transparent defensive zones between the front elevation and the footpath edge. In addition, the height, material finish and form of the boundary does not constitute a minimal intervention as is required by Appendix 5 of the Dublin city Development Plan 2022-2028 and is undesirable.

I conclude having regard to the reason for refusal, the grounds of appeal and the policy framework provided by the Dublin City Development Plan 2022-2028 that permission should be refused for the development to be retained.

- 7.5. Appropriate Assessment Screening:

The development to be retained comprises a high timber painted wood panelled fence within an established urban area. Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

## 8.0 Recommendation

- 8.1. I recommend a refusal of permission having regard to the reasons and considerations set out below:

## 9.0 Reasons and Considerations

- 9.1. Having regard to the reason for refusal, the grounds of appeal and the policy framework provided by the Dublin City Development Plan 2022-2028 permission should be refused for the following reason:

The development to be retained by reason of its defensive nature is neither complementary or consistent to boundary treatment in the area and is inconsistent with the overall character and streetscape. It is considered that the high timber panelled boundary to no. 143 Richmond Road would set an undesirable precedent for the full enclosure of the front gardens of properties in the vicinity by the construction of similar high front and side boundaries to create non-transparent defensive zones between the front elevation and the footpath edge. Furthermore, the height, material finish and form of the boundary does not constitute a minimal intervention as is required by Appendix 5 of the Dublin City Development Plan 2022-2028 and is undesirable. It is also incongruous in terms of height, design and material finish with the low and transparent boundary of the adjoining semi-detached house at no. 141 Richmond Road. Thus the boundary treatment to be retained is visually dominant and intrusive within the immediate and surrounding streetscape contrary to Appendix 5 of the Dublin City Development Plan 2022-2028. Therefore, the development to be retained would both in itself and by the precedent it would set for similar front and side boundary treatment, be seriously injurious to residential and visual amenity and would be contrary to the proper planning and sustainable development of the area.

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Anthony Abbott King  
Planning Inspector

1<sup>st</sup> June 2023