



An
Bord
Pleanála

Inspector's Report ABP-317701-23

Development

Retention of alterations to development granted under permission D21B/0578 as follows: 1 no. new rooflight. Alterations to parapet design/height to the front flat roof. Alterations to approved window/door openings. 1 no. single storey rear garden shed with lean-to greenhouse in lieu of 2 no. smaller separate sheds previously approved. Timber fencing along front party boundary wall. Amendments in height of front entrance piers. All associated internal layout changes/alterations, drainage, landscaping and ancillary works.

Location

31 Ashton Park, Monkstown, Co. Dublin, A94 P9K3

Planning Authority

Dún Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D23A/0307

Applicant	Kirsten Connolly and Edmund Ramsay
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	First Party v. Condition no.'s 3(a)&(b)
Appellant	Kirsten Connolly and Edmund Ramsay
Observer(s)	None
Date of Site Inspection	10 September 2023
Inspector	Rachel Gleave O'Connor

1.0 Site Location and Description

1.1. The appeal site relates to a semi-detached dwelling occupying a corner site to the east and north of roads for Ashton Park, south of Windsor Park and north of Monkstown Avenue. The area is characterised by two storey residential dwellings of mixed style and appearance.

2.0 Proposed Development

2.1. The appeal relates to conditions no.'s 3(a) and (b) of Notification of Decision to Grant Permission Reg. Ref. D23A/0307 (3rd July 2023) for retention of the following:

- Alterations to the development granted permission under Reg. Ref. D21B/0578;
- 1 no. new rooflight to rear slope of main roof;
- Alteration to parapet design / height to the front flat roof;
- Alterations to approved window / door openings to front (ground floor) / side (ground and first floors) and rear (ground floor);
- 1 no. single storey rear garden shed with lean-to greenhouse in lieu of 2no. smaller separate sheds previously approved;
- Timber fencing along front party boundary wall (1.9m high);
- Amendments in height of front entrance piers (2m high);
- All associated internal layout changes / alterations, drainage, landscaping and ancillary works;
- The development for permission consisted of 1 no. single storey timber sauna structure to rear garden.

2.2. Condition no.3 of permission Reg. Ref. 23A/0307 is as follows:

“3. (A) Within 6 months of the date of this permission, the front (west) boundary vehicular entrance ‘Altered piers 2m high’ shall be reduced to a maximum of 1.5m height, and design and finishes (including brick capping) to match previous on site.

(B) Within 6 months of the date of this permission, the 'Timber panel fence 1.9m high' to be reduced in height to the northwest side boundary shared with adjoining no.32 Ashton Park to the front garden, shall be reduced in height to a maximum of 1.5m, or removed.

Reason: In the interest of clarity, orderly development and visual amenity and harmony.”

3.0 Planning Authority Decision

3.1. Decision

3.2. The planning authority decided to grant permission subject to 9 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The following comments are noted in the planner's report:

- In regard to boundary treatment, it is noted that under D21B/0578, no amendments were sought to the existing low level wall boundary and piers.
- The Applicant has erected a timber fence with a height of 1.9m along the side boundary of the site. No objection arises to the same.
- From review of Dwg. 22003-110 Rev PA.01 the fencing does not extend along the front boundary of the site and that this boundary remains as the low-level wall with back planting – and this is also noting the similar height, block wall to the side boundary of the property on the opposite side of the street (no.14).
- It is considered that the proposed retained 'Timber panel fence 1.9m high' to the northwest side boundary – shared with adjoining no.32 Ashton Park – to the front garden, is not acceptable due to its height, and location, and notwithstanding the character of the site, and surrounding site, of low hedges and/or low dividing walls, or some high hedges (including the subject site) dividing front gardens of adjoining semi-detached houses on this roadway, and noting high hedges cannot be relied upon long-term e.g. in terms of screening tall front boundary fencing.

- A condition can be added, that within 6 months of the date of this permission, that the 'Timber panel fence 1.9m high' to the northwest side boundary shared with adjoining no.32 Ashton Park – to the front garden, be reduced in height to 1.2m, or removed (in the interest of orderly development and visual amenity and harmony). [Inspector Note: condition references a reduction in height to 1.5m for the fence.]
- The 2m height of the front vehicular entrance piers is considered not generally acceptable – this is noting the planning history including D21B/0578, and surrounding properties gates of c.1.4m height or lower, the proposals under D21B/0578 for pillars of matching height, and only the new gates (to the end proposed wider entrance) to rise to 1.828m – and the now proposed retained pillars to rise above these again – to 2m height.
- It is considered, noting the surrounding streetscape character etc. that a condition be added, that this retention permission does not relate to the proposed retained front (west) boundary vehicular entrance 'Altered piers 2m high', and that within 6 months of the date of permission, the front (west) boundary vehicular entrance 'Altered piers 2m high' be reduced to c.1.424m height (as previously indicated under 21B/0578), and design and finishes (including brick capping) to match previous on site.

3.3.2. Other Technical Reports

- No referrals made.

3.4. Prescribed Bodies

- No referrals made.

3.5. Third Party Observations

- None received.

4.0 Planning History

- 4.1. 21B/0578: Planning Permission GRANTED for 1) demolition of the existing 1-storey conservatory to the side, a chimney and boiler-shed to the rear of the dwelling; 2)

The construction of a 1-storey extension (23.4sqm) to the side of the dwelling with a glazed, high-level clerestory and stepped flat roof; 3) All associated internal alterations and the alteration of the existing fenestration to the side and rear of the dwelling; 4) A stepped parapet to the extant 1-storey flat roof to the front of the dwelling; 5) The widening of the existing vehicular entrance at the front of the dwelling and a proposed pedestrian gate on the side boundary; 6) All associated drainage and site works. (10th December 2021).

5.0 Policy Context

- 5.1. Local Planning Policy is set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is zoned under Objective 'A' 'To provide residential development and improve residential amenity while protecting the existing residential amenities'.
- 5.2. Chapter 12 describes 'Development Management'.
- 5.3. Design criteria is described in section 12.3.1.1 and includes "Context - having regard to the setting of the site, the surrounding character, streetscape, and the impact of any proposed development on the development potential of adjoining sites."
- 5.4. Section 12.3.10.8 'Vehicular Entrances': "Vehicular entrance gates shall be recessed, and the wing walls or fences splayed so as to provide adequate sight distances in both directions, depending on the traffic conditions and the characteristics of the roadway at that location. Existing/proposed vehicular access points shall be carefully examined, including consideration of landscape and visual amenity aspects, as there may be circumstances where it is desirable to seek alternative positions to avoid removal of substantial lengths of good quality characteristic existing boundaries. Front boundary treatments shall retain, or plant, indigenous hedges, earth banks, or provide dry stone walls and similar - depending on the typologies common to the area."
- 5.5. Section 12.4.8 'Vehicular Entrances and Hardstanding Areas' sub section 12.4.8.2 'Visual and Physical Impacts' "...There can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance, pedestrian safety, on-street parking, drainage and biodiversity – and these will be assessed in the consideration of applications."

5.6. Section 12.8.7.2 'Boundaries' of the Plan relates to proposed dwellings.

5.7. **Natural Heritage Designations**

5.8. The subject site is located approximately 850m to the south of the European site at South Dublin Bay and River Tolka Estuary SPA. There is no connection to any European (Natura 2000) sites and no pathways.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points of the grounds of appeal are as follows:

- The previous / parent Grant of Permission (Reg. Ref. D21B/0578) permitted 2m high gates to the front – works that would be otherwise exempt under Schedule 2 / Part 1 / Class 5 of the Planning and Development Regulations 2001 (amended).
- The permitted gates required support to their upper half. The gates relative to the lower piers appeared visually incorrect – a capping should sit above the top of the gate.
- The detail matched and complimented the pedestrian entrance gate and piers on the side entrance to the adjacent cul-de-sac.
- Being one of the few corner sites in the estate, this approach and deviation from the norm is justified.
- Other examples exist in the area of raised piers / boundary walls to a similar height no.'s 25 and 27 Richmond Avenue.
- Hedge dividing subject site to neighbour had to be removed. To replace the privacy function a 2m high fence was put in place and agreed with neighbours. This fence is largely invisible from the front road due to the existing and well-established hedging.
- Enclosed: correspondence from no.32 Ashton Park stating they have no issues with the new boundary fence.

6.2. Planning Authority Response

The Planning Authority provided a response to the appeal dated 22nd August 2023 which is summarised below:

- The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- None received.

7.0 Assessment

7.1. I propose to assess the appeal under the following headings:

- Altered Piers 2m High; and
- Timber Panel Fence 1.9m High.

7.2. Altered Piers 2m High

7.3. The appellant states that the piers for the entrance to the site should remain at 2m in height to remain visually correct and as the subject site is on the corner, a different approach is justified. Reference is also made to other examples in the area of similar pier heights.

7.4. The Local Authority's Planners Report references the surrounding character of the existing area, by way of justification for condition 3(a) of planning permission Reg. Ref. 23A/0307 which requires a reduction in height of the vehicular entrance boundary 'Altered Piers' to a maximum of 1.5m height, with design and finishes (including brick capping) to match previous on site. No concern is raised with respect to impact upon sightlines or in relation to potential impact upon pedestrian / traffic movements.

7.5. The Dún Laoghaire-Rathdown County Development Plan 2022-2028 describes considerations of streetscape character and setting in the assessment of proposed development (section 12.3.1.1). With particular regard to vehicular entrances, such as the entrance marked by the piers at the subject site, consideration includes

provision of adequate sight distances (section 12.3.10.8) with recognition in sub section 12.4.8.2 that there can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance.

- 7.6. From my visit to the site, I was able to view the 2m high piers in place and in the context of the street. While I agree with the Local Authority that there is some uniformity to the appearance of piers for entrances to properties in Ashton Park, there is no complete consistency in appearance and the capping to piers in particular, varies to some plots. I also note that in the wider area, no.'s 25 and 27 Richmond Avenue do demonstrate piers of a similar height and appearance to that sought to be retained at the subject site, and that these precedent properties are also on a corner plot. I also noted on my visit to the site that the side pedestrian entrance to the property's garden on the southern boundary to the site, has similar height piers.
- 7.7. No concerns have been raised by the Local Authority with respect to sight distances and I am satisfied that no negative impact results in relation to transport safety or traffic amenity impact.
- 7.8. The subject site is also not situated within a conservation area or of any historical or architectural significance, and there is little justification with reference to objectives and policies under the Development Plan to insist upon a reduced pier appearance for the property in my view. Visually, there is no resulting harm to the streetscape as a result of the increased pier height, which does not particularly stand out in views up and down the road and aligns with the height to the entrance gate to the property. Overall, I am satisfied that the piers are acceptable at a 2m height and with the material finish demonstrated.
- 7.9. Timber Panel Fence 1.9m High
- 7.10. The appellant states that an existing hedge required removal and in order to maintain privacy, a 1.9m fence was put in its place on the northwest boundary with no.32 Ashton Park. A letter is included from the occupiers of no.32 Ashton Park indicating that they have no objection to the height of the fence. I also note that there were no observations received in relation to either the planning application or this appeal.

- 7.11. The Local Authority's Planners Report notes that there is no objection to the 1.9m high timber fence along the side boundary, which presumably relates to the rear garden boundary to no.32, which I observed on site as being approx. 2m in height. However, in relation to the northwest front side boundary with no.32 Ashton Park, the Planner raises concern and states that the 1.9m fence is unacceptable due to its height, location, and with reference to the existing character of boundaries in the area. The Planner's report recommends that this fence be reduced to 1.2m, however condition 3(b) of planning permission Reg. Ref. 23A/0307 on the notification to grant permission states a reduction to 1.5m (or to be removed).
- 7.12. Considerations under Chapter 12 'Development Management' in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 of streetscape character / context (section 12.3.1.1), are of relevance in consideration of the side boundary fence.
- 7.13. The boundary fence to no.32 Ashton Park situated to the front of the appeal site, is visible from the street, however it is not incongruous in my view. In the area surrounding the subject site, side boundaries are marked by a mixture of fences, walls and hedges, with no uniform approach across all properties. I noted on my visit to the site that no.34 Ashton Park has a fence of a similar height (approx.2m) marking its northern garden boundary, also visible from the street.
- 7.14. Similar to considerations set out above in relation to the piers, I note that the subject site is also not situated within a conservation area or of any historical or architectural significance, and there is little justification with reference to objectives and policies under the Development Plan to insist upon a reduced height to the boundary treatment with no.32 Ashton Park in my view. Visually, there is no resulting harm to the streetscape as a result of the fence, which does not particularly stand out in views up and down the road. Overall, I am satisfied that the fence is acceptable at a 1.9m height and no reduction is justified with reference to policies and objectives under the Development Plan in this case.

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions that are the subject of the appeal, I am satisfied that the determination by the Board, of the relevant application as if it had been made to it in the first instance, with attachment of said conditions, would not be

warranted and based on the reasons and considerations set out below, I recommend that the Board direct the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to REMOVE Condition 3(a) and (b).

9.0 Reasons and Considerations

Having regard to:

- (1) the zoning of the site under Objective 'RS' Residential to 'Provide for Residential Development and protect and improve Residential Amenity',
- (2) planning policies and objectives under the Dún Laoghaire-Rathdown County Development Plan 2022-2028,
- (3) the height of the entrance piers and the lack of any measurable transport or traffic amenity impact, or other visual or adverse amenity effect, and
- (4) the location and context of the area, the height of the boundary fence to no.32 Ashton Park and the absence of any significant adverse residential amenity impacts, visual or otherwise.

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.

Rachel Gleave O'Connor
Senior Planning Inspector

12 September 2023