



An
Bord
Pleanála

Inspector's Report ABP320983-24

Development

Retention of timber fence on top of existing side wall and part of existing front wall enclosing the garden and all associated site works.

Location

32 Richmond Grove, Monkstown, Blackrock, co. Dublin, A94CT98.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D24B/0334/WEB

Applicant(s)

Kevin Liston.

Type of Application

Permission.

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Kevin Liston.

Observer(s)

None.

Date of Site Inspection

13/01/25.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Richmond Grove is a mature residential avenue accessed via Monkstown Avenue. Richmond Grove is one of a network of suburban streets to the south of Monkstown Avenue.
- 1.2. The properties on Richmond Grove are semi-detached and have in-curtilage parking.
- 1.3. The boundary treatment of the houses on Richmond Grove is characterised by low boundary walls punctuated by vehicular openings. In instances mature vegetation behind boundary walls provides the individual front gardens with additional screening from the public road.
- 1.4. No. 32 Richmond Grove is located on the west side of the street. No. 32 Richmond Grove is a semi-detached two-storey house located on a corner site at the junction with Ashton Park at the northern extremity of Richmond Grove.
- 1.5. The subject house is well maintained making a positive contribution to the streetscape in terms of its external appearance.
- 1.6. Ashton Park is a residential avenue that runs at a right-angle to Richmond Grove.
- 1.7. The boundary frontage of no. 32 Richmond Grove onto Ashton Park is extensive and extends from the front garden boundary with Richmond Grove to the rear garden boundary wall located to the side of no. 42B Ashton Park.
- 1.8. The site perimeter is characterised by a painted timber fence mounted above a legacy boundary wall located along the side boundary and in part the front boundary with Richmond Grove.
- 1.9. Site area is given as 0.045 hectares.

2.0 Proposed Development

- 2.1. The retention of a timber fence on top of existing side wall and part of existing front wall enclosing the garden and all associated site works

3.0 Planning Authority Decision

3.1. Decision

Under Reg. Ref: D22A/0374 permission was refused for new steel railings on top of existing front and side boundary walls the following reason:

- 1. The proposed timber painted fence for retention, would have a negative visual impact on the streetscape, would negatively impact on the quality of the public road, would be visually incongruous with the existing boundary treatments on the streets to the front and to the side of the dwelling and would set an undesirable precedent for similar types of development in the area. It is therefore considered that the timber painted fence for retention is not in accordance with Section 12.4.8.2 'Visual and physical Impacts' and 12.8.7.2 'Boundaries' of the County Development Plan 2022-2028 and would therefore 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 of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

N/A

4.0 Planning History

The following planning history is relevant:

Under Reg. Ref: D22A/0374 new painted steel railings on top of existing front and side boundary walls of house was refused permission for the following reason:

- (1) The proposed railings would have a negative visual impact on the streetscape and would be visually incongruous with the existing boundary treatments on the streets to the front and side of the dwelling. It is therefore considered that the railings are not in accordance with sections 12.4.8.2 'Visual and Physical*

Impacts’ and 12.8.7.2 ‘Boundaries’ of the County Development Plan 2022-2028 and would thereby be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

The area zoning objective is “A”(Map 3): *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

Section 12.4.8.2 (Visual and Physical Impacts) is relevant and *inter alia* states:

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.

Section 12.8.7.2 is relevant and *inter alia* states:

In all cases, suitable boundary treatments both around the side and between proposed dwellings shall be provided. In this regard, boundary treatments located to the rear of dwellings should be capable of providing adequate privacy between properties.

Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.

5.2. EIA Screening

The proposed development is not within a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below.

- The appellant on behalf of his wife and himself makes the following additional reasons for the retention of the timber painted fence the subject of the appeal in response to the reasons for refusal. The reasons for retention already made to the planning authority are enclosed with the appeal statement.
- The first point of clarification is that the reference to 'railings' on Pg. 2 of the planning authority record should state fence. A previous application for railings was justifiably refused by the planning authority.
- The fence to be retained is professionally construction and it is discreet. It comprises pressured treated horizontal layers of battens with small gaps between each layer. The battens are firmly secured to upright pressure-treated posts fastened on the side of the existing boundary wall.
- The fence is painted along the street frontage in a premium 'Colour trend' product called 'Standing Tall' exhibiting a saturated grey colour with sage undertones, as such, the external finish of the fence is robust. The appellant notes that the curvature of the fence adds to its 'soft' visibility and that the length of the fence located on top of the long side boundary wall contributes to its elegance.
- The appellant notes that the paint colour was advised to him by a colour consultant attached to Stillorgan Decors and in instances passers-by have inquired the name of the paint colour.
- It is claimed that the overall height of the side wall and fence given as 2.2m on the planning authority record is in fact a little higher. Class 5, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 is cited in the

matter of the exemption of 2m tall boundary structures within or bounding the curtilage of a dwelling house.

- The subject fence is approximately 0.2m taller than the exempted development provision. The reduction in the fence to 2m would make little or no difference to whatever the negative visual impact the fence is considered to have by the planning authority. However, a reduction in height would reduce the security and privacy enjoyed by the appellant at present in particular at the side of the property.
- The planning authority suggest that apart from the height of the wall the length of the fence (along Ashton Park) contributes to the negative visual impact on the streetscape. The wall is unique given that the subject house was built in the 1950's and the houses on Ashton Park, Windsor Park and Stradbroke Road were built subsequently and are of a different design.
- If there is an negative visual impact, it is the existing legacy side boundary wall, which is out of harmony with the Ashton Park streetscape leading up to Stadbrook Road rather than the fence on top of it.
- The appellant acknowledges that the height of the fence at the front of the property onto Richmond Grove is notably higher than the permitted 1.2m provided for under Class 5, Part 1 of Schedule 2 of the Planning and Development Regulations 2001. However, the height of the wall on the other side of the front driveway is not raised.
- The corner position of the house dictates that security and privacy needs require a higher wall. The appellant originally had leylandii trees as a privacy screen. He has removed the trees to enhance biodiversity by creating a herbaceous border. However, hedging as a privacy screen takes years to mature.
- The appellant's house and the house opposite have a distinct back access arrangement to the other semi-detached houses in the streetscape that enjoy less than a 1m gap between their property boundaries. These houses have a side gate usually 2m in height. However, this arrangement is not possible at end of streetscape locations where the appellant has a 7.5m distance to screen between the side elevation of the house and the side boundary wall.

- It is claimed the fence at the front of the house is an attempt to reduce exposure to the street and is designed to provide security and privacy to the private amenity side / back garden area.
- The appellant while acknowledging that the height of the fence at the front of the property onto Richmond Grove is higher than the permitted 1.2m (exemption) does not believe that the fence has a negative visual impact on the Richmond Grove streetscape given the end of streetscape location of the house.
- The appellant cites a recent planning permission at no. 42b Ashton Park adjoining (reg Ref: D20A/0875) to support the unique case for corner houses, which bookend a road.
- It is claimed that the appellant's house and garden are well maintained exhibiting mature planting and, as such, make a positive contribution to the public domain.
- The appellant provides a pictorial record of residential properties in the Monkstown area (12 different properties taken by the appellant's architect Alyson Carney) to illustrate the diversity of boundary treatments including timber fences in instances located behind masonry walls.
- It is claimed the fence to be retained is not out of character with boundary treatments in the area and would not set an undesirable precedent for a similar type of development in the immediate Monkstown area and greater area of Dun Laoghaire.
- Finally, the appellant has acted in good faith in the design and construction of the fence, including alignment with development plan policy, and that there are no objections to the fence.
- It is noted that the appellant has submitted a set of drawings with the appeal.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

- The planning authority refer the Board to previous Planner's Report. The grounds of appeal do not raise any new matters.

6.4. Observations

None.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and is an overall assessment of the development for retention permission. It is noted there are no new substantive matters for consideration.
- 7.2. The appellant has erected a high-level fence comprising pressured treated horizontal layers of battens with small gaps between each layer. The battens are firmly secured to upright pressure-treated posts fastened on the side of the existing masonry boundary walls.
- 7.3. The planning authority previously refused planning permission for the provision of railings in the similar location under Register Ref: D22A/0374. The reason for refusal of the railings can be summarised as a visual dis-amenity in the streetscape visually incongruous with the existing boundary treatments on the streets to the front and side of the dwelling.
- 7.4. The planning authority concluded that the railings would not be in accordance with Section 12.4.8.2 'Visual and Physical Impacts' and Section 12.8.7.2 'Boundaries' of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, as such, would be inconsistent with the proper planning and sustainable development of the area.
- 7.5. The appellant understands that the reason for refusal by the planning authority of the subject railings was justified and would in hindsight not have constructed the railings. The application under appeal is for a timber fence, which has a physicality distinct from the previously refused railings.

Exempted development

- 7.6. The overall height of the side wall and fence is given as 2.2m. Class 5, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) requires that boundary walls within or bounding the curtilage of a dwelling house do not exceed 2m. The appellant claims the reduction in the height of the fence to the 2m limit would impact on his security and privacy.
- 7.7. It is stated that the requirement to apply for planning permission would not have resulted if the wall and fence were approximately 0.2m lower in overall height. The appellant believes that this is a significant consideration in assessing the development to be retained.
- 7.8. I note the conditionality attached to Class 5, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), including that the 2m limitation does not apply to the front of the house where a more modest height limitation of 1.2m applies.
- 7.9. In the instance of the development to be retained a section of the boundary wall and fence is to the front of the house forward of the established building line on Richmond Grove. I consider the exempted development height limitation applicable on Richmond Grove would be 1.2m.
- 7.10. Notwithstanding the limitation on boundary height provided by the Planning and Development Regulations, the applicant / appellant has applied for retention permission and, as such, the development to be retained will be assessed on its merits.

Fence construction & material finish

- 7.11. The appellant claims that the timber fence is professionally constructed and that it is discreet. It is painted along the street frontage in a premium 'Colour trend' product called 'Standing Tall' exhibiting a saturated grey colour with sage undertones, as such, the fence and its external finish are robust.
- 7.12. The appellant claims the curvature of the fence along its side boundary, as it stretches from its western extremity on Ashton Park to the front boundary on Richmond Grove, enhances its 'soft' visibility.

7.13. I consider that wall and fence integrate well and provide a robust boundary treatment to the side of no.32 Richmond Grove. However, the height and visibility of the wall and fence on Richmond Grove located in front of the established building line is also acknowledged.

7.14. The fence articulates the Richmond Grove / Ashton Park corner and returns onto Richmond Grove elevating above the low boundary wall on Richmond Grove between the side boundary and the vehicular access gate pier.

Streetscape termination

7.15. The continuity of the Richmond Grove streetscape, characterised by low boundary walls punctuated by vehicular entrance gates and enhanced by mature vegetation, is interrupted by the projection of the side boundary wall and fence.

7.16. No. 32 Richmond Grove bookends the streetscape on the west side of Richmond Grove. Furthermore, the appellant notes that the long side boundary wall is unique given that Richmond Grove was built in the 1950's and the houses on Ashton Park were built subsequently and are of a different design.

7.17. I note that the masonry side boundary wall and fence signal the streetscape termination on Richmond Grove albeit imperfectly. It may be argued that there is a locational rationale for an increase in boundary height at the northern extremity of Richmond Grove given the abrupt termination of the streetscape.

7.18. The position of the development located at the extremity of the streetscape is a significant consideration. The legacy masonry side boundary wall onto Ashton Park is significantly greater in height than the low front boundary treatment onto Richmond Grove.

Fence above the side boundary wall

7.19. The subject site is a corner site at the junction of Ashton Park and Richmond Grove. The site configuration provides for extensive side boundary frontage along Ashton Park. The side boundary extends from the front garden boundary with Richmond Grove to the rear garden boundary wall located to the side of no. 42B Ashton Park.

7.20. Section 12.8.7.2 (Boundaries) *inter alia* states that suitable boundary treatments both around the side and between proposed dwellings shall be provided to the rear of dwellings capable of providing adequate privacy between properties.

- 7.21. The private amenity space to no. 32 Richmond Grove interfaces with the Ashton Park side boundary. I consider that the rationale for having a secure privacy screen is valid given the potential for public exposure of the rear amenity space to Ashton Park.
- 7.22. The appellant has increased the height approximately 0.5m (0.48m) of the legacy side boundary wall by the addition of a timber fence to create an approximate 2.3m (2.28m) visual and security barrier along the side boundary with Ashton Park.
- 7.23. The length of the fence along the side boundary is approximately 27m (comprising a 21.2m linear section plus chamfered sections at either end measuring in total 5.8m). I acknowledge that the fence length is significant. However, the length of the fence is determined by the pre-existing legacy side boundary masonry wall.
- 7.24. I consider the rationale for extending the height of the wall along Ashton Park is supported given the extensive frontage of the rear amenity space located immediately to the south of the carriageway on Ashton Park. I do not consider that the boundary wall and fence create a visually discordant element in the streetscape on Ashton Park.

Return of the fence onto Richmond Grove

- 7.25. Finally, the fence returns onto Richmond Grove for an approximate distance of 5m and elevates (2.1m) above the upward angle of the corner masonry wall and the low boundary wall (0.9m) between the gate pier and the corner. The fence on the Richmond Grove frontage is marginally lower than the height of the fence and wall along the side boundary.
- 7.26. The return of the fence connects at a right angle with an internal fence sub-dividing the front garden of no. 32 Richmond Grove providing enclosure to the northern part of the front garden. The height of the fence on Richmond Grove notionally follows the height of the internal garden subdivision.
- 7.27. Section 12.8.7.2 (Boundaries) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 *inter alia* states that boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.

- 7.28. Furthermore, Section 12.4.8.2 (Visual and Physical Impacts) *inter alia* states that there can be negative cumulative effects from the removal or creation of front boundary treatments in terms of area character and appearance.
- 7.29. No. 32 Richmond Grove and the house opposite have a distinct back garden access arrangement to the other semi-detached houses in the streetscape that enjoy less than a 1m gap between their side property boundaries. The appellant notes the average house has a side gate usually 2m in height. However, this arrangement is not possible at end of streetscape locations where the appellant has a 7.5m distance to screen between the side elevation of the house and the side boundary wall.
- 7.30. The appellant notes that the return of the fence onto Richmond Grove is a measure to address the exposure of the side and rear garden to the street. The appellant does not believe that the fence to the front notwithstanding its height has a negative visual impact on the streetscape given the end of streetscape location of the house.
- 7.31. I consider that the return of the fence as a measure to screen the side and rear garden albeit imperfect is acceptable on balance given the unique site configuration, the limited length of the return of the fence on Richmond Grove (4.8m), which enjoys a low boundary frontage for the residual approximate 12m, and the robust construction and material finish of the timber fence.
- 7.32. Furthermore, I consider that the bookend location of no. 32 Richmond Grove at the northern extremity of the streetscape, the rationale of the appellant, the unique corner site configuration and the robust construction and material finish of the fence on balance mitigate the impact of the development on the receiving streetscape and, as such, the development to be retained would be consistent with Section 12.8.7.2 (Boundaries) and Section 12.4.8.2 (Visual and Physical Impacts) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

Other matters

- 7.33. I note that there is an extant enforcement file in the matter of the subject fence and a garden shed forward of the front building line on Richmond Grove. I also note the engagement of the appellant in the planning process to regularise unauthorised development. Finally, I accept the bona fides of the appellant to resolve this matter in the interests of all concerned.

Conclusion

7.34. In conclusion, on balance the development to be retained is acceptable in principle given the corner site configuration, which provides for an extensive side boundary frontage along Ashton Park extending from the front garden boundary with Richmond Grove to the rear garden boundary wall located to the side of no. 42B Ashton Park, and the location of the dwelling house terminating the Richmond Grove western streetscape, the rationale of the appellant in terms of the security and privacy of the amenity space of the dwelling house to the side and rear, the limited return of the timber fence onto Richmond Grove and the robust construction and material finish of the fence.

7.35. **Appropriate Assessment Screening**

The proposed development comprises retention of a boundary 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 grant of retention planning permission subject to condition.

9.0 **Reasons and Considerations**

Having regard to the grounds of appeal, the reason for refusal, the residential zoning objective and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the retention of the painted timber boundary fence mounted above the legacy masonry wall(s), located on the Richmond Grove / Ashton Park corner and extending along Ashton Park, positioned at the termination of the Richmond Grove streetscape would be consistent with policy objective Section 12.4.8.2 (Visual and physical Impacts) and Section 12.8.7.2 (Boundaries) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application and, by the further plans and particulars received by An Bord Pleanála on the 04 day of October, 2024, 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.



Anthony Abbott King
Planning Inspector

21 January 2025