



An
Bord
Pleanála

Inspector's Report

ABP-321309-24

Development	Retention of fencing.
Location	8 Stradbroke Grove, Blackrock, Co. Dublin, A94 T1X4
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24B/0409/WEB
Applicant(s)	Paula Mc Kone
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Margaret King
Observer(s)	None
Date of Site Inspection	02 nd of February 2025
Inspector	Karen Hamilton

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is a semi-detached dwelling located within the housing estate Stradbroke Grove, Blackrock, Co. Dublin. The dwelling is in the northeastern part of the estate, which is a cul-de-sac. The side of the dwelling, and rear garden, adjoins the public road and is bounded by a block wall with a wooden fence above. The design of the boundary wall is similar to other boundary walls in the estate and a wooden fence has been attached above the block wall boundary.

2.0 Proposed Development

- 2.1. The proposed development includes the retention of a fence above a boundary wall along the rear garden of a detached dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to one condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission as summarised below:

- The site is located on lands zoned as residential and the proposal is acceptable in principle subject to normal compliance with residential amenity and visual impact.
- The rear boundary wall is not excessive or inappropriate at the site, where the rear boundary adjoins a public road.
- While the PA is not favourably disposed of higher boundary walls, in this instance regard has been given to the location at the end of a cul-de-sac, where visibility is limited.
- This grant of permission should not be considered a precedent.

- Having regard to Section 12.8.7.2 of the development plan the proposal is not considered to have any adverse impacts on the adjoining residential amenity by reason of visual impact or undue overshadowing.

3.2.2. Other Technical Reports

None.

3.2.3. Conditions

Condition No 1: Plans and Particulars.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One third party submission was received, the same objector as the appellant. The issues raised are similar to the grounds of appeal as detailed below.

4.0 Planning History

No relevant planning history.

5.0 Policy Context

5.1. Dún Laoghaire- Rathdown County Development Plan 2022-2028

The site is located on lands zoned Objective A, residential, where it is an objective *“to provide residential development and improve residential amenity while protecting the existing of residential amenities”*.

Section 12.8.7.2: Boundaries

- Boundaries to the rear of dwellings should be capable of providing adequate privacy

5.2. Natural Heritage Designations

The South Dublin Bay and River Tolka Estuary is located 0.72km from the site.

5.3. EIA Screening

The retention of a fence is not of a class for the purpose of EIA screening. See Form 1.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by a resident of the Stradbroke Grove and the issues raised are summarised below:

- The increase in height of the fence has caused an unsightly obstruction.
- The proposal eliminates my sight line.
- The proposal defaces this leafy estate
- The fence suggests that it is not a safe place to live.
- The permission signals that the proposal is acceptable to the council.
- An auctioneer and valuer have said that the fencing is unnecessary and gives the impression that it is not a safe place to live.
- It is understood from the planning department that a perimeter fence should not exceed 2m and does not comply with planning enforcement.
- If the fence is not removed it is requested that it is lowered to at least 20 inches, in order to reduce the unnecessary height.

6.2. Applicant Response

A submission has been received from an agent on behalf of the applicant as summarised below:

- The wall was built, substantially less than 2m, not enough to avoid overlooking from dwellings across the estate road or residents of adjoining dwellings.
- The Executive Order considers the adverse impact and the residential character of the area and considered the fencing is acceptable.
- The appellants garden wall is more of a feature wall than a screening party wall screen.
- The residents of No 10, 11 and 12 Stradbrook Grove have signed the appellant's submission in support.
- A letter from an estate agent indicates that the fence will not devalue the applicants house or any other house in the estate.
- Pictures of the fence from the surrounding area and from the rear of the applicant house have been included in the submission.

6.3. Planning Authority Response

The grounds of appeal do not raise any new issues.

6.4. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on the file including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Impact on Residential and Visual Amenity
- Other Matters

7.2. Impact on Residential and Visual Amenity

- 7.2.1. The wooden fence to be retained, is located above, and is attached to a block wall which bounds the rear garden of No. 8 Stradbrook Grove. The site is located within a residential estate in Blackrock, Co. Dublin and is at the end of the cul-de-ac. The side of the site adjoins the public road within the estate.
- 7.2.2. The height of the fence varies along the wall and at the highest point it extends c.0.8m above the boundary wall. The fence is attached to the boundary wall within the applicant's property and is timber. The total height of the boundary treatment is c. 2.6m at the highest point, having regard to both the boundary wall and the timber fence above.
- 7.2.3. The grounds of appeal have been submitted by a resident of a property in the vicinity of the site who considers the height and treatment of the boundary is inappropriate at this location and gives the impression the area is unsafe. The consider the grant of permission signals that the proposal is acceptable to the council.
- 7.2.4. The report of the PA did not raise any concerns with the overall design of the fence and while it is stated that it should not be used as a precedent for other similar boundaries, no significant issues are identified.
- 7.2.5. Section 12.8.7.2 of the Dún Laoghaire- Rathdown County Development Plan provides guidance on boundaries in residential areas. Aside from reference to privacy for rear boundaries, I note the development plan does not include a specific requirement for the height or treatment of boundaries.
- 7.2.6. I note the site is in a dominant location within the residential site, in so far as the side boundary is visible from the public road. The timber fence addition is visible from the surrounding area although I note the design of the fence above the boundary wall does not dominate or have a significant visual impact on the appearance of the wall. The timber structure is attached to the internal side of the wall and is, in my opinion, of a high-quality design. It is not located in a position which could cause any overshadowing on an adjoining property and would not have a negative impact on the residential of the occupants of any properties.
- 7.2.7. Therefore, having regard to the design of the fence above an existing block wall boundary and the guidance in the development plan which does not preclude any

specific boundary treatment, I do not consider the retention of the fence would have any significant negative impact on the residential or visual amenity of properties in the vicinity.

7.3. Other Matters

- 7.3.1. **Devaluation:** The impact of the fence on the valuation of the dwelling and other dwellings in the vicinity has been raised in the grounds of appeal. The applicant submission includes a letter from an estate agent business stating no devaluation of properties from the additional fence. The Board will note my assessment above which concludes no negative impact on the visual or residential amenity within the area. Therefore, I do not consider the proposal has a negative impact on the surrounding area or dwellings in the vicinity of the site.
- 7.3.2. **Sight Lines:** The appellant is concerned the fence will eliminate their sightlines. I note the location of the fence above the existing block wall. Having regard to the location of the fence, I do not consider it will impact the sight lines of any properties in the vicinity.

8.0 AA Screening

Having regard to the nature and scale of the proposed development, the distance from any European Site and the absence of a pathway between the subject site and any European site it is possible to screen out the need for an Appropriate Assessment.

9.0 Recommendation

I recommend that permission is GRANTED for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the Objective A zoning of the site, and policies and objectives as set out in the 2022-2028 Dún Laoghaire-Rathdown County Development Plan, it is considered that the proposed development would not detract from the visual or

residential amenities of the area and is consistent with the provisions of the current Development Plan and is therefore considered to be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, received by the planning authority on the 20th day of September 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.

Reason: In the interest of clarity.

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.

Karen Hamilton
Planning Inspector

24th of February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321309-24		
Proposed Development Summary	Retention of a fence		
Development Address	8 Stradbrook Grove, Blackrock, C. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	✓		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____