



An
Bord
Pleanála

Inspector's Report ABP-321432-24

Development	<i>Planning permission for development comprising of the raising of the height of the existing boundary wall enclosing the site garden along Spencer Villas and Adelaide Rd at Glengarriff House</i>		
Location	<i>22 Adelaide Rd. (Corner of Adelaide Rd & Spencer Villas) Glenageary, Co. Dublin, A96 V9P5.</i>		
Planning Authority Ref.	<i>D24B/0418/WEB.</i>		
Applicant(s)	<i>Grainne & Dualta Moore.</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Grainne & Dualta Moore</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>13/03/2025</i>	Inspector	<i>Ian Doyle</i>

1. Site Location/ and Description. The site is located at the corner of Spencer Villas and Adelaide Rd. The existing two storey dwelling on site has vehicular access and its main frontage onto Adelaide Rd while the side (south) elevation of the dwelling faces Spencer Villas. The private garden amenity spaces associated with the dwelling fronts onto Spencer Villas. The existing boundary is formed by a wall with timber fence to increase height and privacy.

2. Proposed development. The proposed development consists of raising the height of the boundary wall along the Spencer Villas frontage (side) and approximately 50% of the wall fronting onto Adelaide Rd (front). The extent of the wall proposed to be raised relates to the boundaries associated with the private open space for the property. The property has been extended to the rear resulting in the area between the gable end and the side boundary forming the only viable area of open space. The extent of the increased height along Adelaide Rd does not obscure or extend beyond the façade of the building.

3. PA's Decision. The Planning Authority refused permission on the 18th of November 2024 for the following reason:

- 1. The proposed increase in height of the existing wall, given the prominent corner site it is located at the junction of Adelaide Rd and Spencer villas which is an established residential area, would read as visually obtrusive from Adelaide Rd. Additionally it is considered that the proposed development would read as visually discordant and set an unwanted negative precedent in the area, as lower front boundary walls are an intrinsic feature of Adelaide Rd. The proposed development would also be detrimental to the quality of the public realm. Therefore, it is considered that the proposed development does not accord with the anticipated outcomes under Section 12.8.7.2 Boundaries and 12.4.8.2 Visual and Physical impacts of the Dun Laoghaire Rathdown County Development Plan 2022 to 2028 and would therefore be contrary to the proper planning and sustainable development of the area.*

4. Planning History.

D21A/0167. Granted with the removal of privacy fence via condition of grant of permission. The infilling of an existing vehicular entrance into the property located on Spencer Villas, the infilling of an existing pedestrian entrance into the property located on Adelaide Road and the re-provision of a single new combined pedestrian and vehicular entrance into the property on Adelaide Road. Furthermore, it is proposed to erect a privacy fence to a total height of 1.8m inside the existing boundary wall of the property fronting both Adelaide Road and Spencer Villas.

D21A/1144. Granted with the removal of privacy fence via condition of grant of permission. Extension to the rear, first floor extension to the rear, painted external render insulation, and existing slate roof to be repaired /replaced with new slate roof. The new accommodations will consist of a new study, playroom, guest WC, kitchen, utility & pantry at ground level; with a new family bathroom, and hot press at first floor level. A new glazed screen elevation is proposed at ground level along with internal upgrade works to the utility / garage including new sash windows at ground first, and second floor level to match the existing house style. Furthermore, it is proposed to carry out external garden development works consisting of new terrace and outdoor seating area with pergola and planting, raised terrace level with screens to bin storage and bike storage, privacy fence separating garden and forecourt area, new side gate to south elevation, and new external courtyard to rear of house formed around new ground floor extension. The total proposed gross area of the ground and first floor extensions is 78sqm.

D23B/0347 Split decision. Refusal of retention of existing timber privacy screen over the existing boundary walls along Adelaide Road and Spencer Villas. Permission granted for alterations to the development previously permitted under planning application reference number D21A/1144 to include a reduction in the previously permitted single storey extension to the rear, the addition of a new single storey extension to the side, elevational alterations to the previously approved development, all to the rear and side of the existing part single storey, part two storey, part three storey dwelling house along with associated internal alterations, site works and landscaping.

ENF 01924 The development site is subject to an open enforcement case with reference to the erection of timber fencing on top of the existing front and side boundary walls to the property and along the side boundary to the property that fails to comply with available exempt development provisions under Class 5, part 1 of Schedule 2 of the planning and development Regulations 2001.

5.1. National/Regional/Local Planning Policy

- *The Dun Laoghaire Rathdown County Development Plan 2022 to 2028 is the functioning development plan for that area.*

- *The site is subject to Zoning Objective A To provide residential development and improve residential amenity while protecting the existing residential amenities*
- Section 12.8.7.2 states the following under the heading “Boundaries” 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. Provision of ‘defensible’ space, e.g. a planting strip, to the front of dwellings should be provided to contribute towards a sense of security within the home. Bin storage and/or utility meter alone, should not form any proposed defensible space areas.*
- Section 12.4.8.2 22 “Visual and Physical Impacts” states *any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.*

5.2 Natural Heritage Designations

- Dalkey Islands SPA
- South Dublin Bay and River Tolka Estuary SPA

6. The Appeal

6.1 First Party Appeal. Grounds:

- *The private open space associated with this dwelling house lies to the side of the dwelling house as opposed to the rear. As such this space can be viewed from the footpath along Adelaide Rd and Spencer villas due to height of the original boundary (1.34 metres). The increased boundary height is therefore necessary to allow privacy within what is the private amenity space for the associated dwelling.*
- *Increased boundary height is also necessary in the interests of security.*

- *The family dog can and has scaled the lower height wall surrounding the side garden. The increased height of the boundary will also facilitate safe useable for the family dog.*
- *The applicant provides images detailing a number of precedents in the general vicinity of the site with particular reference to corner sites along Adelaide Rd and the use of screen fencing over low walls.*
- Details of pre-planning discussions are submitted with the appeal statement (PAC Ref No. 20/24) proposing a change of colour and reduction in height of the fence by 0.15m along the front elevation the outcome of which was as follows:

“Having regard to the quality of the timber privacy fencing and to the planning history on site, the planning authority would not be in favour of this element. As such, in the event of a formal application, the applicant should submit a revised boundary treatment more in keeping with the general streetscape that compliment same”.

6.2 P.A. Response

- The following response was received from the Planning Authority: *It is considered that the grounds of appeal do not raise any new matters which, in the opinion of the planning authority, would justify a change of attitude to the proposed development.*

7. EIA Screening

The proposed development is not a class for the purpose of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to form 1 attached.

8. AA Screening

I have considered the proposed *development* in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 2km from South Dublin Bay and River Tolka Estuary SPA

The proposed development comprises a 400mm increase in height of an existing residential boundary wall.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

1 **Assessment**

2 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.

3 I am satisfied the substantive issues arising from the grounds of this first party appeal relate to visual impact.

4 **Visual Impact**

5 The proposed development consists of an increase in height of an existing boundary wall by 400mm along the entire side boundary of the property facing Spencer's Villas and approximately 12m of the front boundary facing Adelaide Rd. The extent of the increased wall height is relative to the extent of the site afforded to private amenity space which consists of the entirety of the remainder of the site south of the gable

end of the dwelling including an area front of the building line. The garden area does not extend beyond the side gable of the house and no increase in height of the boundary wall is proposed north of the side gable of the dwelling. The extended wall is proposed to match the existing in colour, texture and materials.

- 6 The planners report states that the proposal would be visually obtrusive from the public roadway of Adelaide Rd for two reasons namely, given the subject sites prominent location on a corner, and, given that low front boundary walls are an intrinsic feature of Adelaide Rd.
- 7 I do not accept the assertion that low boundary walls are an intrinsic feature of Adelaide Rd. Boundary treatments for properties along Adelaide Rd. vary significantly in height, form and materials with little or no uniformity. Furthermore, where Adelaide Rd. forms an intersection with other routes, the dominant design response for corner properties is similar to that proposed by the subject application.
- 8 The proposed development will not impact negatively on the visual amenity of Adelaide Rd.
- 9 The reason for refusal refers to the proposal as being contrary to Section 12.8.7.2 Boundaries and 12.4.8.2 Visual and Physical impacts of the Dun Laoghaire Rathdown County Development Plan 2022 to 2028.
- 10 Section 12.8.7.2 states the following under the heading “Boundaries” 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. Provision of ‘defensible’ space, e.g. a planting strip, to the front of dwellings should be provided to contribute towards a sense of security within the home. Bin storage and/or utility meter alone, should not form any proposed defensible space areas.*
- 1.10. In response to the above, it is noted that the section of wall proposed to be raised surrounds the private open space for the dwelling on site only. No alterations are proposed to the remaining front boundary wall facing Adelaide Rd. The above

recognises the need for privacy between properties and I am satisfied that the proposed development is justified on this basis.

- 1 Section 12.4.8.2 “Visual and Physical Impacts” refers specifically to widening vehicular entrances to properties which does not form part of the proposal in this instance. Nonetheless, section 12.4.8.2 does state that *any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.*
- 2 The proposed raising of the existing boundary wall will match the existing wall in finishing material, colour, texture and form and I am satisfied that the resultant development will harmonise with the existing.
- 3 It is my opinion that the proposed development is in accordance with section 12.8.7.2 Boundaries and 12.4.8.2 Visual and Physical impacts of the Dun Laoghaire Rathdown County Development Plan 2022 to 2028.

1.11. Recommendation

I recommend that permission for the development be granted.

Reasons & Considerations

Having regard to the pattern of development in the area and the associated variation of boundary treatments along Adelaide Rd, it is considered that subject to compliance with the conditions set out below, the proposed development would not read as visually discordant in terms of the streetscape, would not seriously injure the amenities of the area or property in the vicinity, and would not be detrimental to the quality of the public realm. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 30th day of September 2024.

Reason: In the interest of proper planning and sustainable development.

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.

Name

Planning Inspector

Date: 13/05/2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321432-24		
Proposed Development Summary	<i>Planning permission for development comprising of the raising of the height of the existing boundary wall enclosing the site garden along Spencer Villas and Adelaide Rd at Glengarriff House</i>		
Development Address			
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	<input checked="" type="checkbox"/>
		No	
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	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	<input checked="" type="checkbox"/>		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	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	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	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)	

Yes	Tick/or leave blank	Screening Determination required
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Inspector: _____ **Date:** _____