



An
Bord
Pleanála

Inspector's Report ABP-321530-24



Development	Retention of alterations of existing fence and vehicle access.
Location	561 Howth Road, Raheny, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2281/24
Applicant(s)	Carol Neylin
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Carol Neylin
Observer(s)	Simone & Kevin Fitzpatrick Stephanie & John Pearson
Date of Site Inspection	1 st of February 2025
Inspector	Tomás Bradley

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1.0 Site Location and Description

The site is located at 561 Howth Road, Raheny, Dublin 5. It is on the southern side of the road, just east of the junction with Orchard Road. It is approximately 1 km east of Raheny. The site contains a detached single storey dwelling and garage.

A public footpath is located between the site and public roadway, along with street signage and lighting on both northern and western sides of the site. A detached dormer dwelling is located to the east of the site. A detached single storey dwelling (part cottage with thatched roof) is located to the south (rear) of the site on Foxes Lane.

The cottage with thatched roof is a protected structure (RPS 3969). A granite milestone with cast-iron plaque is located on the opposite side of the road which is also a protected structure (RPS 3970).

The area is largely residential with some commercial uses such as the petrol station to the west. The Howth Road is a regionally classified road, the R105, and the main road between Dublin City Centre and Howth.

The area of the site to which this appeal relates is the land at the boundary between the residential house and the footpath. Presently, the boundary to the public road is fenced in timber and painted black with vegetation and planting within the property fence. The footing/bottom rail and posts are concrete. An entrance opens to the Howth Road directly opposite the entrance to Berehaven Place.

2.0 Proposed Development

The proposed development consists of retention permission to:

- alter existing 1800 millimetres high timber fence along boundary at Howth Road and Orchard's Road; and
- alterations to existing vehicle access to improve sightlines.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided on the 26th of November 2024 to refuse retention permission for the following reasons:

- 1. Having regard to the Z1 residential zoning Objective and Appendix 5, Section 4.3.5 Treatment of Front Boundaries as set out in the Dublin City Development Plan 2022-2028, to the prominence of the site and the height, length and materiality of the concrete plinth, post and timber panel fence, gates and brick pillars, it is considered that the development is over-bearing excessive. out of scale and out of character in comparison with the prevailing character of the streetscape. The development to be retained and altered would appear visually incongruous and would have a detrimental visual impact on character of the area The proposed development would depreciate the value of property in the vicinity, would set an undesirable precedent for further substandard development in the vicinity and would be to proper planning and sustainable development of the area.*
- 2. The proposed retention and alteration of existing 1800mm high fence along the boundary comprises modifications to leave a 4 m wide vehicular entrance which is contrary to Section 431 Volume 2, Appendix 5 Of the Dublin City Development Plan 2022 - 2028 which states that the maximum width permitted for vehicular entrances is a maximum of 3 metres servicing a single house. The applicant has failed to overcome the previous reason for refusal on site and to permit the proposed modifications to an unauthorised entrance on site would set an unacceptable precedent, would contravene the above-mentioned section of the Development Plan and would be contrary to the proper planning and sustainable development of area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 22nd of November 2024 includes:

- details of the planning history of the site, which includes a previous refusal related for a similar retention development the subject of this appeal. The report also considers several interdepartmental reports, submissions and observations which are opposed to the proposed development on the basis of visual impact and road safety.
- the planning assessment which considers the planning history of the site, the development standards for the treatment of front boundaries, design measures

introduced to the address the previous refusals of planning permission and the technical report provided by the Transportation Planning Division of Dublin City Council.

The report recommends that permission be refused for the same reason as outlined in Section 3.1 above. Having regard to the above it is considered that proposal has a negative visual impact on the character of the area, appears visually incongruous and exceeds the Development Plan Standards in terms of vehicular entrance width and should therefore be refused.

3.2.2. Other Technical Reports

- The **Drainage Division** report dated 22nd November 2024 does not raise any material issues subject to the applicant complying with the Greater Regional Code of Practice for Drainage Works and incorporating a Sustainable Drainage System.
- The **Transportation Planning Division** report dated 19th of November 2024 raised substantive issues, primarily the requirement of the Dublin City Development Plan 2022-2024 and specifically Section 4.3.1, Volume 2, Appendix 5: Transport and Mobility: Technical Requirements.

3.3. Prescribed Bodies

There are no prescribed body submissions in respect of this case file.

3.4. Third Party Observations

Several observations were made to Dublin City Council, largely opposed to the retention of the proposed development on the basis of the visual impact and road safety concerns.

4.0 Planning History

The requirement for the retention planning application has arisen from a live enforcement case (Ref: E0066/24) which relates to the replacement of the hedge with 1.8 metres high fence.

On the 7th of June 2024 under Ref: 3532/24, Dublin City Council refused retention permission for a 1800 millimetres high timber fence along boundary and alterations to

existing vehicle access, setting back vehicle access by 1100 millimetres and increasing height to 1800 millimetres at the subject site. The reasons for refusal are as follows:

1. Having regard to the Z1 residential zoning objective and Appendix 5, Section 4.3.5 Treatment of Front Boundaries as set out in the Dublin City Development Plan 2022-2028 and to the height and materiality of the 1.8 metre high concrete plinth, post and timber panel fence, it is considered that the development is overbearing, excessive, out of scale and out of character in comparison with the prevailing character of the streetscape. The fence to be retained appears visually incongruous and has detrimental visual impact on character of the area. The proposed development would depreciate the value of property in the vicinity, would set an undesirable precedent for further substandard development in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. The 1800mm-high timber fence proposed to be retained along the boundary on Howth Road and Orchard Road, is considered excessive in height, results in reduced sightlines and poor visibility for drivers exiting the property across a public footpath. The proposed development would therefore endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3. The 4 metre width of the vehicular entrance proposed to be retained is in excess of Development Plan Standards set out in Appendix 5, Section 4.3.1 Dimensions and Surfacing of the Dublin City Development Plan 2022 – 2028, would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.3532/24.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the relevant plan for the subject site. The site is zoned 'Zone Z1 Sustainable Residential Neighbourhood'. The general objective for such areas is "to protect, provide and improve residential amenities'.

Chapter 15 Development Standards sets out the key policy in respect of boundary treatments including trees and hedgerows. Appendix 5 of the plan provides further technical requirements in respect of transport and mobility. The following sections are noted:

- Section 15.6.9 Trees and Hedgerows
- Section 15.6.13 Boundary Treatments

- Appendix 5, Section 4.0 Car Parking Standards
- Appendix 5, Section 4.3 Parking in Front Gardens
- Appendix 5, Section 4.3.1 Dimensions and Surfacing
- Appendix 5, Section 4.3.5 Treatment of Front Boundaries

5.2. Natural Heritage Designations

There are no relevant natural heritage designations in respect to the subject site.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A report dated 20th of December 2024 prepared by Aaron Dunne Architects was submitted as the appeal in respect of this case file. The grounds of the appeal may be summarised as follows:

6.1.1. Visual Amenity and Streetscape Character

- The reduced height of the and colour harmonisation ensures minimal visual impact and complements the surround streetscape.
- There is a diversity of boundary treatments along the Howth Road, including modern and traditional designs which adhere to the zoning objective.
- Several examples of traditional and modern boundary treatments are illustrated in photographs.

6.1.2. Traffic Safety and Sightlines

- The design addresses concerns of the Transport Division in Dublin City Council by prioritising pedestrian and vehicular safety. The reduction in fence height has enhanced sightlines.

- The width of the entrance is entirely justified in the context of safety and functional requirements. The 4 metre width is further justified by the unique challenges of a corner location and high traffic volumes on the Howth Road.

6.1.3. Precedent Cases – 2764/13

- The applicant has made reference to the above file which was refused by Dublin City Council and subsequently granted by the Board for a 2 metres high timber fence subject to a condition to agree landscaping.
- The case demonstrates the height of the proposed development is acceptable when considering it in terms of design rather than strict adherence to guidelines in the development plan.

6.1.4. Financial and Personal Considerations

- Dublin City Council suggestion of replacing the fence with block work and railings is financially prohibitive for the applicant.
- The applicant has also provided a letter from a medical doctor who feels, on the basis of medical history, that applicant would benefit from a higher fence. To not have such a fence would severely affect the applicant's [REDACTED] health.

6.1.5. Conclusion

- The revised proposed is a well-considered proposal in response to the concerns raised by Dublin City Council and respects the residential character of the area.
- The precedent set under 2764/13 demonstrates height can be acceptable in the context of a wider design.

6.2. Planning Authority Response

No response has been received from Dublin City Council in respect of this appeal.

6.3. Observations

There are two observations in respect of this file. The issues overlap and can be summarised as follows:

- The application for retention has been refused twice and the applicant continues enhance the fence with decorative fixtures and lighting.

- The development has resulted in the removal of hedgerows which are 'irreplaceable' and cannot be reinstated.
- The height of the fence still exceeds the 1.2 metre limit allowed in planning regulation for a fence. It is unclear how the reduction to fence height will be achieved.
- Its appearance is detrimental to the visual amenity of the area and sets an undesirable precedent. The materials are unsuitable, and the design is sterile.
- The local area is predominantly a mix of low walls, hedges and some railings with hedges. This contributes to a high aesthetic quality.
- The boundary does not consider the 'existing palette of materials and finishes as advised in Section 15.4.2 of the development plan standards.
- The reduction in height would result in four different components of different heights along a long fixture.
- The vehicular entrance issues have not been addressed and sightlines are not appropriate.
- The precedent case identified by the appellant is of a higher aesthetic quality and standard than the subject site and only extends for 22 metres and is set in a different context and design.
- The Board should not take into consideration financial considerations in its decision. Additional costs would have been avoided if permission were sought prior to construction.
- There are other methods to secure the property that does not adversely impact the surround environment.
- The proposed development would not be in accordance with development standards 15.4.2, 15.6.9, 15.6.13, Appendix 5 Section 4.3.5, Policy G143, Objective G11042.

6.4. Further Responses

No further responses were sought from any party in respect of this appeal.

7.0 Assessment

Having examined the application and appeal documentation on file and having regard to relevant policy and guidance, it is considered that the key issues in this appeal are those raised in the grounds of appeal and in the reason for refusal set out by Dublin City Council and in particular compliance with development standards.

7.1. Principle of Development

The appeal site is located on a site zoned 'Zone Z1 Sustainable Residential Neighbourhood'. The general objective for such areas is 'to protect, provide and improve residential amenities'. Alterations to residential properties are acceptable in principle. However, such alterations are subject to the policies and standards set out in the other policies within the plan including road safety which are dealt with below.

7.2. Compliance with Development Plan Standards

7.2.1. Entrance Dimensions (Appendix 5, Section 4.3.1)

While the appellant has considered certain design measures, in particular reduction of boundary height, to address certain reasons of refusal from Dublin City Council. It is considered that the design does not comply with Appendix 5 Transport and Mobility: Technical Requirements Section 4.3.1 which addresses transport and mobility technical requirements.

Section 4.3.1 is prescriptive in terms of the design and dimensions of entrances. For a single residential dwelling, the vehicular opening proposed shall be at most 3 metres in width. The appellant is seeking to retain a 4 metre wide entrance. The only instance where 4 metres is acceptable is where a shared entrance for two residential dwellings is proposed. This is not the case in this instance.

I agree with Dublin City Council that the measurement for an access should be taken at the boundary with the public road as opposed to the recessed part of the entrance which the applicant measures as 3.09 metres. The provisions in the development plan are to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians on the public road rather than in a recessed part of the private entrance.

Given the subject site has access to a regionally classified road and is highly used by all modes including is both vehicular, pedal and foot traffic, there is an heightened requirement to comply with the relevant standards to ensure safety for all road users and ensure the development would not be a traffic hazard for passing traffic and conflict with pedestrians having regard to the road and footpath layout, the traffic conditions on the road and available sightlines.

The appellant's contention that the increased width is justified in the context of safety and functional requirements is not based on any evidence. While it is a corner site, the entrance is some 30 metres from the corner and on a typical road type for Dublin. There is no exceptions or variance in the development standards for entrances onto different road types with or without higher traffic volumes.

In conclusion, the proposed development plainly fails to comply with Appendix 5, Section 4.3.1, of the Dublin City Council City Development Plan 2022 – 2028 by exceeding the maximum standard of 3.0 metres. The proposed development would set an undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.

7.2.2. Treatment of Front Boundaries (Appendix 5, Section 4.3.5)

Section 4.3.5 states 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*'. While consideration of the design can be subjective - in my professional opinion and in agreement with both Dublin City Council and the observers - the design of the fencing is clearly not consistent with others in the area and sets a precedent that may not be in keeping with the overall character and streetscape. It is also notable that the development standards are of the view that wooden fencing is not very common and has a limited life in the Irish climate.

The lack of consistency with other boundary types in the area is a result of the height, use of a single material and paint and solid form of the fence. The height and solid form for most boundaries in the areas are broken by different materials, typically either brick, railings, vegetation or maintained as low walls. The issue is exacerbated by the length fencing to be retained which extends for over 60 metres.

The examples of traditional and modern boundary treatments in the area provided by the applicant are noted and their contentions in relation to the design of similar boundaries in the area is acknowledged, however, they are not necessarily examples of acceptable design in the context of the current development plan. The example at 822 Howth Road was also examined but is considered different to the subject fence in its use of materials with the height of timber fencing broken by brickwork at the base and pillars at various intervals to break the solid form.

While somewhat constrained by the current intervention which the applicant seeks to retain, it is considered that there is potential for a better design solution to achieve the criteria set out in the development plan at this site which is less incongruous in terms of the height and solid form and appearance in terms of length of fencing.

In conclusion, the proposed development simply fails to comply with Appendix 5, Section 4.3.5, of the Dublin City Council City Development Plan 2022 – 2028 as the alterations carried out to the former front boundary is an excessive intervention and is not complementary or consistent with others in the area. The retained development is not in keeping with the overall character of the streetscape. The proposed development would set an undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.

7.3. Contravention of Development Standards

While it is my view that there is no basis for a grant of retention permission on the basis of the entrance dimensions and treatment of the front boundary submitted and that this would set an overall undesirable precedent for the area. The Board may reasonably have a different opinion on the design of the front boundary and seek to strike a balance on the visual element – the development standard as written in the plan could facilitate such a direction. The development standard for entrance dimensions, on the other hand, is prescriptive and the Board should consider whether they wish to contravene the plan and, if so, perhaps apply a condition so that it may be resolved post-consent with the agreement of the planning authority. I would however reiterate that such a direction would set a poor precedent for the area both in terms of design and the control of development.

7.4. Financial and Personal Situation

The applicant's financial and personal situation are noted. However, I am satisfied that there is potential for a better design solution to achieve the criteria set out in the development plan that would be cost-effective and provide appropriate security for the property.

8.0 Appropriate Assessment Screening

I have considered the proposed development for retention permission in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located on zoned and serviced lands within an established residential area in Dublin City. The subject site is located proximate to the North Dublin Bay SAC (Site Code 000206), and North Bull Island SAC (Site Code 004006).

No nature conservation concerns in respect of Appropriate Assessment were raised in the planning appeal.

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

- The minor nature of the development to be retained.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the screening report/ determination by the PA.

I conclude that on the basis of objective information, the proposed development to be retained 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.

9.0 Recommendation

The proposed development is not considered to be consistent with the Dublin City Development Plan 2022-2028 and the proper planning and development of the area.

It would endanger public safety by reason of a traffic hazard and obstruction of road users. It is recommended that the retention permission and permission be refused.

10.0 Reasons and Considerations

The proposed development fails to comply with Appendix 5, Section 4.3.1, of the Dublin City Council City Development Plan 2022 – 2028 by exceeding the maximum standard of 3.0 metres. The proposed development would set an undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.

The proposed development simply fails to comply with Appendix 5, Section 4.3.5, of the Dublin City Council City Development Plan 2022 – 2028 as the alterations carried out to the former front boundary is an excessive intervention and is not complementary or consistent with others in the area. The retained development is not in keeping with the overall character of the streetscape. The proposed development would set an undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.

Professional Declaration

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.

A handwritten signature in black ink, appearing to read 'Tomás Bradley', written over a horizontal line.

Tomás Bradley,

Senior Planning Inspector

4th of February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321530-24		
Proposed Development	Retention of alterations of existing fence and vehicle access.		
Development Address	561 Howth Road, Raheny, Dublin 5		
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		X
	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			Proceed to Q3.
No	X	N/A	No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	EIA Mandatory EIAR required
No		N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		N/A	Preliminary examination required (Form 2)

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

Inspector: 

Date: 9/2/25

