



An
Bord
Pleanála

Inspector's Report ABP-321650-25

Development

Development consisting of revisions to front boundary treatment for permitted development under Reg. Ref.

D22A/0325 to include retaining the existing rendered front boundary wall and the proposed boundary from the vehicular gate to the end of the site will be revised to provide a 1.8m high green steel mesh fence, together with all associated site works.

Location

14 Pinehaven, Cross Avenue,
Booterstown, Blackrock, Co. Dublin,
A94 T6C5

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D24A/0837

Applicant(s)

Mary Rose Binchy

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal	Third Party
Appellant(s)	Charlotte O'Sullivan
Observer(s)	None
Date of Site Inspection	3 April 2025
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site is located at the corner of Cross Avenue and Pinehaven (a cul-de-sac), close to Booterstown Avenue, in an established residential area. The site contains a house and garden shed, both recently constructed in the side garden of a larger site (Summerville, a protected structure). The site has been subdivided with a 1.8 metre green mesh fence.
- 1.2. The front boundary, on Cross Avenue, is formed by cast-iron railings on a plinth wall. To the side, on Pinehaven, the site is bordered by a rendered concrete boundary wall of approximately 2.5 metres in height, for the majority of the boundary. There are two gate openings with metal gates, flanked by brick piers (matching the brick of the new house.) To the north of the vehicular entrance is a temporary corrugated metal gate and a timber hoarding. There is a small plot of land to the north end, between the site and the pavement, with scrub on it, and a diamond link fence dividing it from the site.
- 1.3. The houses along Cross Avenue are large nineteenth- and early-twentieth-century houses, while Pinehaven is a later development of 13 houses to the rear of Summerville and Willowfield, the house to the east of the Pinehaven entrance.

2.0 Proposed Development

- 2.1. It is proposed to retain the existing 2.5 metre rendered boundary wall, with new brick piers, and to provide a mesh steel fence with yew hedging along the north part of the boundary along Pinehaven. This is an amendment to the development as permitted by D22A/0325, which proposed a 2-metre tall stone-clad boundary wall to the majority of the Pinehaven boundary of the site, with the existing foliage boundary retained towards the north end.

3.0 Planning Authority Decision

3.1. Decision

Grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- One report, noting the site context and planning history, contents of submission and internal reports, and policy context. Noted previous concerns about structural stability of boundary wall were unfounded, and proposed modifications to wall are acceptable. Fence is acceptable subject to appropriate planting. Transport Planning recommendations for modifications not reasonable, given no new vehicular entrances are proposed.

3.2.2. Other Technical Reports

- Transport Planning – Further Information with revised drawings requested, to ensure adequate sight lines from vehicular entrances.

3.2.3. Conditions

- Two conditions. Condition 2 mandated that the planting set out on the drawings be carried out, and replaced if necessary if lost within five years.

3.3. Prescribed Bodies

No reports.

3.4. Third Party Observations

One received, raising issues as raised in the appeal.

4.0 Planning History

No history files were provided by the Planning Authority. The following planning application on the site was referred to in the planner's report:

D22A/0325 – permission granted for house, adjoining existing artist's studio on site. Dividing fence/wall to east of new dwelling. New selected stone replacement front wall the same height as existing along the southern boundary from Cross Avenue along Pinehaven together with a separate pedestrian gates/railing and a vehicular entrance all within the curtilage. Site works, including tree removal.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown Development Plan 2022-28

The site is subject to zoning objective A, which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Summerville, a protected structure (RPS no 101) is located to the west of the site, and the new house was built in its side garden.

There are objectives to protect and preserve trees and woodlands in the front and rear gardens of the site indicated on the map.

Chapter 12 deals with Development Management, with Section 12.8.7 dealing with Private Amenity Space – Quality Standards.

Section 12.8.7.2 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.

Details of all existing and proposed boundary treatments, including vehicular entrance details, should be submitted as part of any planning application.

These shall include details in relation to proposed materials, finishes, and, in the case of planted boundaries, details in respect of species together with a planting schedule.

Section 12.8.11 Existing Trees and Hedgerows

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands (as identified on the County Development Plan Maps). The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan. []

The retention of existing planted site boundaries will be encouraged within new developments, particularly where it is considered that the existing boundary adds positively to the character/visual amenity of the area. []

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA 004024 – 650 metres

South Dublin Bay SAC 000210 – 650 metres

South Dublin Bay pNHA 000210 – 650 metres

5.3. EIA Screening

The proposed development is not a class for the purposes 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 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from a neighbouring resident. Issues raised are summarised below:

- There are discrepancies between the site boundaries as indicated on the application for the parent permission, and as indicated in the current application, with the site of the new house now enlarged, and the garden room relocated. The local authority has failed to address impacts on the protected structure.
- The hedgerow and trees along the site boundary have been removed, and the site currently has construction hoarding. The removal of the hedgerow and the lack of implementation of the boundary as per the 2022 permission is unauthorised and should be refused.
- The proposed 35-metre stretch of high green steel mesh fence will have a negative visual impact, which will not be adequately mitigated by the proposed hedge. It is typical of security fences, not in keeping with its setting, and inappropriate for a boundary that formed the curtilage of a protected structure until recently.
- Insufficient information has been submitted on the initial height of the hedge. The condition requiring the hedge be kept in place for a five-year period is inadequate.
- The existing front wall (which previously formed the side boundary of the site) has been stripped of ivy, and is overbearing as a front boundary wall.
- The proposed wire fence is contrary to Section 12.4.8.2, which states boundaries should seek to harmonise with the existing streetscape, and Section 12.8.7.2 of the Development Plan which sets out that boundaries to the front of dwellings should consist of softer, more open boundary treatments.
- The proposal would set an unacceptable negative precedent.

6.2. Applicant Response

A response was received on behalf of the first party. It is summarised as follows:

- The existing boundary wall it is proposed to keep was constructed c. 40 years ago, when Pinehaven was developed. It is an established element of the streetscape, consistent with that at Willowfield opposite, lower than the wall permitted in the 2022 permission, and not overbearing.
- The other part of the boundary currently comprises an ivy-clad pole and wire mesh fence, also established some 40 years ago. Hoarding currently obscures it. It is proposed to replace this with a 1.8 metre tall fence for security, and a yew hedge (for visual amenity and privacy). The yew hedge is to be 1.8 metres at planting, and on the street side of the fence, as stated and shown in the application. The applicant is happy to accept an amended condition clarifying these details, although a condition is not strictly necessary as the applicant's privacy depends on the satisfactory growth of the hedge. Images of sample specimens on site are submitted.
- A small triangle of land between the subject site and the footpath is not owned by the applicant, and is covered in scrub. This will remain as is, and the fence and hedge will be located to the rear of it. As such, the view of the very north end of the site, opposite 5 Pinehaven, will be largely unchanged.
- The appellant has raised a number of issues regarding the planning history, the application boundaries, and the location of the garden room, which are of no relevance or bearing to the development under appeal.
- There will be no negative impacts on Summerville or any other protected structure. The development is screened from Summerville by dense planting in the rear garden, and the development of a yew hedge cannot be considered to be interfering with the character or setting of any protected structure.

6.3. Planning Authority Response

The planning authority considered that no new matters were raised that would justify a change in their attitude to the development.

6.4. Observations

None received.

6.5. Further Responses

The first party response was recirculated, and the appellant submitted a detailed response. This is summarised in brief below:

- The high quality boundary wall originally proposed was superior to the treatment now proposed, would ensure privacy for the applicant, and should be implemented.
- Due to the changes to the boundary between Summerville (a protected structure) and 14 Pinehaven, the Board should consider refusing permission on the grounds of failure to comply with the parent permission under Section 35 of the Planning and Development Act 2000 (as amended). The relocation of the garden room is not immaterial. A revised tree survey should have been undertaken, due to the revised boundaries and expanded site.
- The drawings clearly show the fence in front of the hedge.
- The boundary treatment between Summerville and 23 Cross Avenue is a large granite rubble wall, as is that to the rear of Killoran. These, and the Victorian railings to the front, are the appropriate boundary type, with green mesh fencing nowhere to be seen.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and 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:

- Visual amenity to the public realm
- Compliance with Development Plan policy and guidance

7.2. Visual amenity

- 7.2.1. The appellant considers the permitted development, a stone-clad wall running the majority of the boundary with Pinehaven, to be superior to the proposed development, particularly the element at the north end – the provision of steel mesh fencing with yew hedging.
- 7.2.2. I undertook a site visit, found the existing wall to be physically sound, clean, well-maintained, and visually unremarkable. It provides visual privacy and security to the property, and is partly screened by street trees. There are stumps where planting has been cut back, at the corner, and creepers are recolonising the wall. There are a variety of boundary treatments in the immediate vicinity, and the retention and refurbishment of the existing boundary wall instead of the construction of a new stone-clad wall is acceptable.
- 7.2.3. Regarding the fence and hedge proposal, I note the existing boundary along this stretch was a planted one. There was no planting behind the hoarding on the date of the site visit, while there was mesh fencing covered in ivy behind the area of scrubland. The applicant's response to the appeal states that this ivy-covered mesh fencing formed the boundary (rather than a hedgerow as stated by the appellant). Having examined the remaining area of fencing, I note that the metal fence is not an attractive treatment in itself, but is adequately screened by the ivy. In a similar fashion, the proposed fencing is not of a character typically associated with residential developments, but will be adequately screened by the yew hedge. The applicant has clarified that the hedge will be planted on the street side of the fence, with the fence set back from the pavement's edge; in any case, the yew will grow through the mesh, providing adequate visual amenity to both sides. The appellant's concerns regarding screening in the early days of planting are noted; however, this is an issue with any soft landscaping or planted boundary. The initial height of the yew trees of 1.8 metres is to be welcomed.
- 7.2.4. I have no concerns regarding the impacts of the proposed boundary treatment on the protected structure, Summerville. Neither part of the boundary will be visible from within Summerville, or feature in views of Summerville.

7.3. Compliance with Development Plan policy and guidelines

- 7.3.1. I note Development Plan Guidance above. The proposal complies with Section 12.8.7.2 Boundaries, with the existing railings (lower and more open in nature) retained to the front boundary, and the boundary treatment to the rear capable of providing adequate privacy. Details of materials, finishes, and planting have been submitted.
- 7.3.2. The appellant refers to Section 12.4.8.2 – this refers to Visual and Physical Impacts of vehicular entrances. While this application is not for a vehicular entrance, I note nonetheless that the proposal will harmonise with the existing streetscape, and is similar to what was previously provided on the site, incorporating the existing wall.
- 7.3.3. Regarding Section 12.8.11, I note the permitted proposal included the removal of certain trees, and no additional tree removal is proposed as part of this proposal. I note that the conditions of the parent permission continue to apply, and a condition specifying this might usefully be added in the interests of clarity. While the retention of existing planted side boundaries is encouraged, given the age of the ivy-covered fencing in question, the removal of the boundary is acceptable in this instance.

7.4. Other Issues

- 7.4.1. The appellant has raised a large number of issues regarding compliance with the parent permission, and alleged unauthorised development. An Bord Pleanála has no role in enforcement, which is an issue for the Planning Authority. I am limiting my assessment to the development under appeal, which is the alterations and amendments to the boundary treatment on Pinehaven.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, including the zoning of the site, and *Section 12.8.7.2 Boundaries*, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference D22A/0325 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. The yew hedge shall be planted in the first planting season following the grant of permission. The plants shall be a minimum of 1.8 metres in height, at an appropriate spacing for hedging, and located between the fence and the public realm. Any hedgerow or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives its written consent to any variation.

Reason: to ensure adequate screening for the fence and the private amenity space.

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.

Natalie de Róiste
Planning Inspector

8 April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321650-25		
Proposed Development Summary	Works to boundary		
Development Address	14 Pinehaven, Cross Avenue, Booterstown, Blackrock		
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	<input type="checkbox"/>
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	<input type="checkbox"/>	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	<input type="checkbox"/>	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	<input type="checkbox"/>		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	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes	Tick/or leave blank	Screening Determination required	

Inspector: _____ Date: _____