Inspector's Report

PL-501639-DR-26

Development	Increased height of boundary wall/fence along Newtownpark Avenue and Meadow Close at the front and side of the house. Move vehicular entrance from Newtownpark Avenue to Meadow Close while maintaining a pedestrian entrance to Newtownpark Avenue.
Location	Lough Bawn, Newtownpark Avenue, Blackrock, Dublin, A94C3V5.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D26A/0286/WEB.
Applicant(s)	Kate Candon & Kieran Harte.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	First Party v Condition.
Appellant(s)	Kate Candon & Kieran Harte.
Observer(s)	None on file relating to appeal.

Date of Site Inspection	11th September 2026.
Inspector	Des Johnson

1.0 Site Location and Description

1.1. The site is located at the junction of Newtownpark Avenue and Meadow Close in Blackrock. It is a large, roughly rectangular site, with accesses on to Meadow Close and Newtwnpark Avenue.

1.2. There is a large 1.5 storey dwelling with sizeable single storey extension to the side on the site. This faces east. The boundary on to Meadow Close is, for the most part, a 2m high block wall. Close to the eastern end of the site, and along the site frontage, this reduces to a low plastered wall c.1.1m high. The northeastern section of the site frontage is angled towards Meadow Close, leaving a triangular shaped grass patch with tree adjoining the site frontage.

1.3. Site frontages along Newtownpark Avenue are varied from lower walls with hedging to 2m high boundary walls.

1.4. The premises was undergoing renovation at the time of inspection, and a wooden hoarding is erected on site boundaries to the front section of the site.

2.0 Proposed Development

2.1. The proposal is for an increase in the height of the front and side boundary walls along Newtownpark Avenue and Meadow Close respectively to 2m, and to move the vehicular entrance from Newtownpark Avenue to Meadow Close while maintaining a pedestrian entrance on to Newtownpark Avenue.

2.2. The relocated entrance is set back 1m from the public footpath and is 3.5m wide. The pedestrian entrance to be maintained on to Newtownpark Avenue is 1m wide.

2.3. The gross floor area of existing buildings (and to retained) on site is stated to be 235.80sqm. The site area is 0.100ha.

3.0 Planning Authority Decision

3.1. **Decision**

Grant permission subject to 8 conditions.

3.1.1. Conditions

The conditions relate to the following:

1. Clarify extent of permission
2. **(Under Appeal)** *Prior to the commencement of works, the applicant shall submit revised drawings to the Planning Authority for written agreement, which detail a 1.5m boundary, with a max height of 1.5m extending along Newtownpark Avenue and Meadow Close.*

   Reason: *In the interest of visual and residential amenity.*
3. Finishes
4. Dishing of footpath.
5. Dishing of footpath requirements
6. Containment of gravel finish
7. Prevention of mud, debris etc.
8. Inward opening gates and not automatic gates.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The site is in zone 'A' with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities.* The proposed development is permissible within this zoning subject to compatibility with other policies and objectives of the Plan. The relocation of the vehicular entrance from Newtownpark Avenue to Meadow Close is considered acceptable. It is considered that 2m high front and side walls would not be in keeping with the surrounding area,

3.2.2. Other Technical Reports

- Transportation Planning – no objection subject to recommended conditions. (These are included in the decision).

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None relating to this appeal.

4.0 Planning History

4.1. **D26A/0098** – Permission for change of use from 153.8sqm residential dwelling with 82sqm medical office to 235.8sqm residential single dwelling unit.

4.2. **D94A/0233 –** Permission for erection of an extension to house consisting of a doctor's reception area, waiting area, and 2 treatment rooms, with ancillary accommodation.

5.0 Policy Context

5.1. Development Plan

The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory plan for the area.

The site is in an area zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities.*

Section 12.4.8.2 refers to Visual and Physical Impacts. Vehicular entrances and on-curtilage parking should not normally dominate a property's frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted. Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to avoid these. 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.

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 refers to Boundaries. 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. 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.

5.2. **Natural Heritage Designations**

- South Dublin Bay SAC – c.1.88km to the north northeast
- South Dublin Bay & River Tolka Estuary SPA & pNHA – c.1.88 to the north northeast
- Rockabill to Dalkey Island SAC – c. 5.68km to the east
- Dalkey Islands SPA – c. 5.68km to the east
- Wicklow Mtns SAC & SPA – c. 8.6km to the southwest.

6.0 EIA Screening

6.1. The development proposed is not of a Class for the purposes of Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. As such, the development is excluded at pre-screening stage.

7.0 The Appeal

7.1. **Grounds of Appeal**

These may be summarised as follows:

- The subject property was previously used as a house and commercial chiropractic surgery but has now reverted to a house. The chiropractic surgery is converted to children's bedrooms with windows facing on to Newtownpark Avenue. The proposed wall/fence is to protect privacy from passing pedestrians and traffic.

- The wall proposed would have a solid base and timber panelling and would not be injurious to visual and residential amenity.

- Precedents exist on the immediate streetscape. There are mature hedges to a height of up to 3.5m. The proposal is for interior tree and shrub planting rather than relying on high-maintenance hedging.

- Under Refence D21A/0557 An Bord Pleanála permitted a 1.8m high boundary wall at 46, Fairyhill on the corner of Newtownpark Avenue – approx. 60m from the subject site.
- Condition 2 renders the boundary treatment ineffective as it does not prevent direct overlooking of primary living and bedroom spaces
- There is no uniform architectural pattern or standard boundary height on this section of the road, and the proposal would not break any established pattern.
- Sightlines or pedestrian safety for vehicles would not be compromised for vehicles exiting the property or the adjacent Close.

7.2. **Planning Authority Response**

The grounds of appeal do not raise any new matters that would justify a change of attitude to the proposed development.

7.3. **Observations**

None on file.

8.0 Assessment

8.1. There are two distinct elements to the proposal as follows:

- Increasing the height of the boundary wall/fence along Newtownpark Avenue and Meadow Close at the side of the house to 2m
- Moving the vehicular entrance from Newtownpark Avenue to Meadow Close while maintaining a pedestrian entrance on to Newtownpark Avenue.

8.2. The Planning Authority granted permission for the proposed development subject to 8 conditions.

8.3. There is a First Party appeal against Condition 2 of the permission granted relating to the boundary wall.

8.4. The site is within an area zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities.* The proposed development is permissible within this zoning subject to compatibility with

other policies and objectives of the Plan. I consider that the proposed movement of the vehicular entrance on to Meadow Close is acceptable, and that the overall permitted development is, in principle, acceptable. Accordingly, it is reasonable to consider the appeal, which is against Condition 2, and which relates to one element of the development, under Section 139 of the Planning and Development Act 2000, as amended.

8.5. Condition 2 and the reason for its attachment reads as follows:

Prior to the commencement of works, the applicant shall submit revised drawings to the Planning Authority for written agreement, which detail a 1.5m boundary, with a max height of 1.5m extending along Newtownpark Avenue and Meadow Close.

Reason: *In the interest of visual and residential amenity.*

8.6. The grounds of appeal contend that the proposal would protect privacy from pedestrians and traffic, would not be injurious to the visual and residential amenities of the area, would not break any established pattern of development in the area, and would allow for the safety of pedestrians from vehicles exiting the property. The appellants also contend that there are precedents for similar development in the area.

8.7. I consider that the key issues to be addressed are as follows:

- Visual and residential amenities
- Pedestrian safety
- Precedent
- Appropriate Assessment

Visual and residential amenity

8.8. Newtownpark Avenue has a variety of site boundary tyles along this stretch and I consider that the proposal would not break any established development pattern. There is already a 2m high block wall along section of the Meadow Close site boundary.

8.9. The stated purpose for the proposed development is to protect privacy from pedestrians and traffic passing the site. The single storey extension to the northern side of the dwelling is to have 3 bedrooms, two of which face east. I consider that an increase in

height of the boundary would provide protection of privacy for these rooms and is acceptable in principle.

8.10. I do have concerns relating to the overbearing appearance of a 2m high boundary on this prominent corner site. I note that in the case of Reference: 312036-21, An Bord Pleanála conditioned the boundary height at nearby Fairyhill/Newtownpark Avenue to a maximum of 1.8m in the interest of visual amenity. While I consider the increase in height of the boundary wall/fence is acceptable in principle, I consider that the maximum height should be limited to 1.8m in the interest of visual amenity. This would provide for the protection of privacy and residential amenity of the subject property.

Pedestrian Safety

8.11. I consider that the relocation of the vehicular entrance to Meadow Close, while maintaining a pedestrian access on to Newtownpark Avenue, is acceptable and would provide for the protection of pedestrian safety from vehicles exiting the subject premises. The proposal was acceptable to the Planning Authority's Transportation Planning Section subject to conditions and these conditions were attached to the decision issued.

Precedent

8.12. Having regard to the pattern of development in the vicinity, I consider that there are precedents for different designs of front boundaries in the area, and heightening of the site boundaries would not be inconsistent with these. Each proposal should be considered on its own merits.

9.0 AA Screening

I have considered the proposed development for retention in light of the requirements S177U of the Planning and Development Act 2000 as amended.
The subject site is located in an established residential area on Newtownpark Avenue, Blackrock.
The proposed development comprises the increasing in height of the boundary wall/fence to the front and side of an existing house.

Having considered the nature 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 nature and small scale of the development
- The location in an established residential area,
- The separation distance and absence of any connectivity to any European sites

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.

10.0 **Water Framework Directive**

10.1. The subject site is located in an established residential area. The proposed development relates to the increasing in height of boundary wall/fence to the front and side of an existing house. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitively.

11.0 **Recommendation**

I recommend that Condition 2 and the reason for its insertion should be varied to read as follows:

Prior to the commencement of works, the applicant shall submit revised drawings to the Planning Authority for written agreement, which detail a 1.8m boundary wall/fence, with a max height of entrance pillars of 2m, extending along Newtownpark Avenue and Meadow Close.

Reason: *In the interest of visual and residential amenity.*

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance, would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to vary condition number 2 and the reason therefor.

12.0 Reasons and Considerations

Having regard to the 'A' zoning for the area, the siting and configuration of the subject dwelling and to the established pattern of development in the vicinity, it is considered that the proposed development is visually acceptable, would not be injurious to the residential amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Des Johnson
Planning Inspector

25th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501639-DR-26
Proposed Development Summary	Increase of boundary wall/fence to the front and side of existing house.
Development Address	Lough Bawn, Newtownpark Avenue, Blackrock, Dublin, A94C3V5.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	The development proposed is not of a Class for the purposes of Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. As such, the development is excluded at pre-screening stage.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	

Inspector:_____ Date: ___25th September 2026

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