



ARCHITECTURAL
DRAWINGS
& BUILDING SERVICES

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Date: 31 October 2022

Planning Department
South Dublin County Council
Land Use, Planning & Transportation Department
County Hall
Tallaght,
D24 A3XC

Retention application Applicant. Robin Petrie

Address: 16 The Close, Boden Park, Rathfarnham, Dublin 16, D16 A2W7

Development: Retention of concrete post and timber fence forward of and to the side of the front building line of the house, bordering 14 The Close, Boden Park.

Dear Sir/Madam,

INTRODUCTION

For my client, Robin Petrie find enclosed documentation supporting their application for retention as outlined above.

PROPOSAL

Robin Petrie is seeking retention for the existing timber fence as it provides extra security and privacy for his family. The enforcement notice served on 6th September failed to seek an adequate balance between the needs of my clients family and the restrictive guidelines for fence heights in the county. Any impact, and my client considers this impact to be insignificant, on streetscape character needs to be balanced against significant gain in security, safety and privacy. The timber fence fits in well with the surrounding streetscape and causes negligible impact to neighbouring properties. In this letter, I will provide examples of similar fencing solutions in the local area that support my client's proposal for retention. I urge the council to consider these precedents and my client's application in the overall context of the SDCC County Development Plan and National Policy Objective 34.



SDCC County Development Plan

The existing fence is inline with the following sections of South Dublin County Development Plan:

5.2.6 High Quality and Inclusive Development

“Guidelines for Planning Authorities in relation to residential development advocate a holistic approach to the creation of sustainable communities and residential neighbourhoods, with an emphasis on the design of quality urban environments. The Guidelines on Quality Housing for Sustainable Communities, DEHLG (2007) advise that successful design and good quality sustainable housing developments require a balance between a range of issues such as accessibility, **security**, **safety**, **privacy**, community interaction, availability of appropriate services and the provision of adequate space”

6.7.1 Residential Design and Layout

“The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DHPLG (2009) advise that residents are entitled to expect that homes offer a high level of amenity, **privacy**, **security** and energy efficiency. Standards in relation to the quality of residential development including **private** open space, dwelling unit sizes, **privacy** and aspect are set out under Chapter 13 Implementation and Monitoring of this Plan.”

6.7.5 Privacy and Security

“Privacy and security are important elements of the design in protecting residential amenity, particularly in higher density schemes. Security and privacy can be improved by providing a **clear definition between public, semi-private and private spaces**. Security can be aided by maximizing passive and active surveillance of streets and spaces.

Policy H11: Privacy and Security

Promote a high standard of **privacy and security** for existing and proposed dwellings through the design and layout of housing.

H11 Objective 1: To ensure there is a **clear definition** and **delineation** between private, semiprivate (communal) and the public open spaces that serve residential development.”

My client wishes to retain the 1.96 meter fence for the reasons as set out above. To enforce a maximum height of 1.2m is extremely restrictive and compromises his families privacy. The council must balance the security, safety and privacy needs of my client’s family against the minutest of impacts caused by the deviation from the 1.2m maximum height guideline. I strongly urge SDCC to reflect on the needs of my client and his family, to reflect on the relevant sections of the county



development plan in lieu of his families needs and to reflect in the overall context of objective 34 of the National Framework Policy which is to *“Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.”*

Existing fence is not out of character with the pattern of development in the area

The existing fence is designed to the highest standard and blends in with the surrounding streetscape. It is worth noting, many dwellings in the area consist of overgrown and thick hedgerow along their front garden boundary. Whilst in principle, the majority of vegetation provides a net benefit in relation to drainage and biodiversity, it must be noted that some of the solutions in the surrounding area consist of thick Leylandii. Leylandii roots extract so much water that they can cause clay soil to shrink, leading to subsidence in buildings among other problems. Many of these hedgerows are in excess of two meters in height. The impact of my client’s fencing solution is minimal compared to some of the hedgerows in the area.

The visual impact of any front garden feature will be an important consideration for the Council in coming to their decision and will involve an examination. In this regard it is encouraging that there is no real consistency with front gardens in the surrounding area. Various fencing and boundary solutions exist with different styles and dimensions and my clients fence is not a departure from the norm by any means.

Here are some examples:



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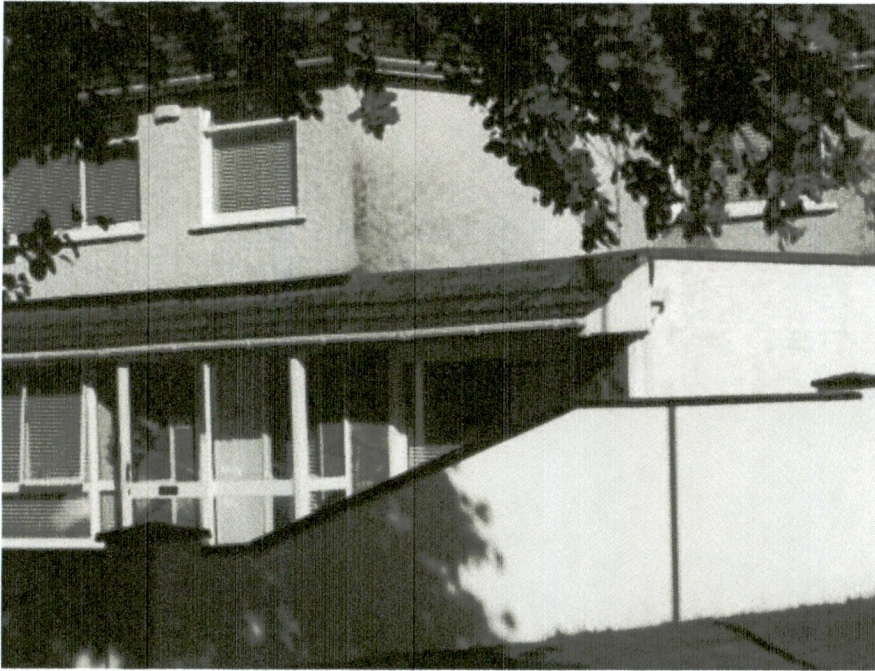


Figure 1: 38 The Crescent, Boden Park

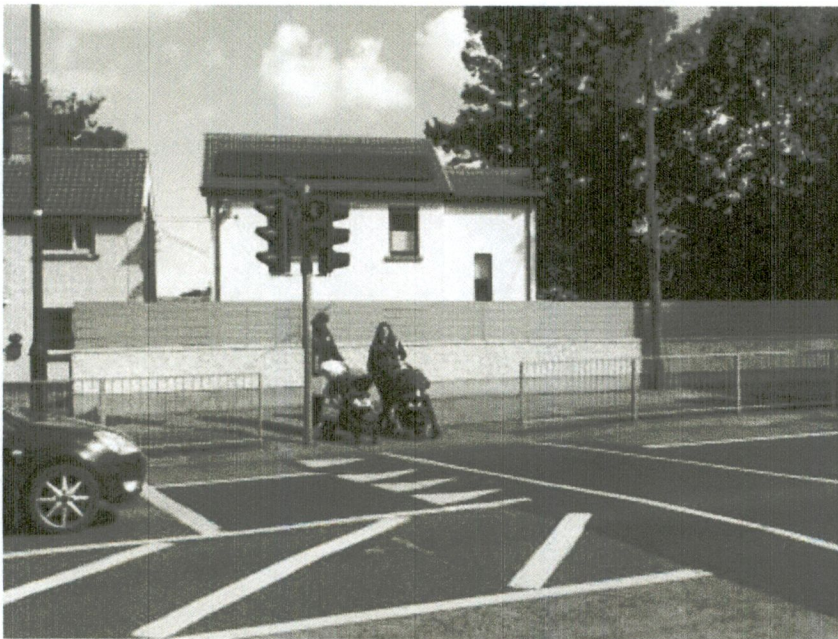


Figure 2: 41a Ballyboden Crescent



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Figure 3: 77 Scholarstown Park



Figure 4: 63 Coolamber Park



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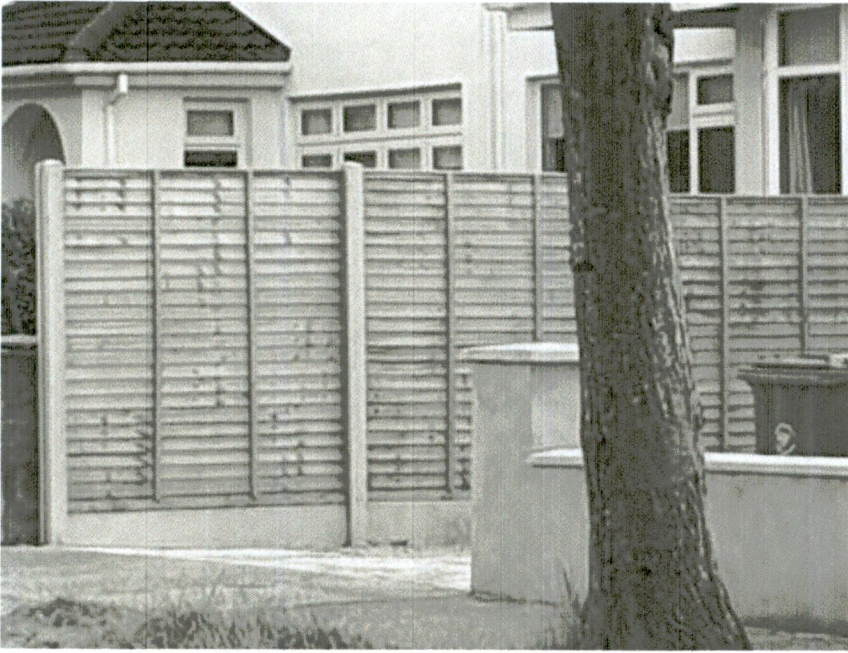


Figure 5: 42 Coolamber Park



Figure 6: 21 and 21a Glendoher Close



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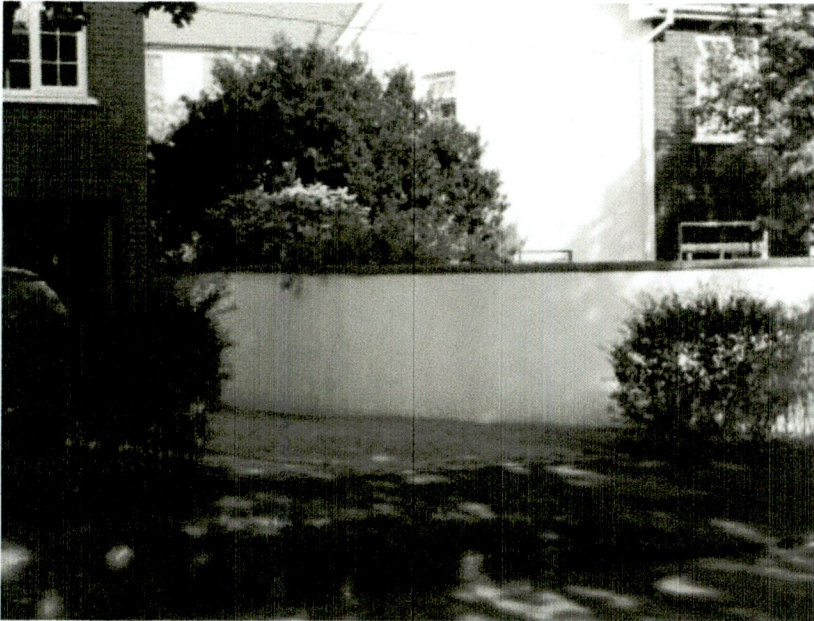


Figure 7: 22B Scholarstown Park



Figure 8: 28, 21 21a Glendoher Close



Previous fence

Prior to the construction of the existing fence in (insert date here), a 1.83m high fence had been in place since 2009. No issues were raised until my client decided to upgrade to a newer model of fence which is safer and of a higher standard design wise. My client should not be penalised for investing in the improvement of his home. The new fence is an improvement on the previous one and it would completely unjust to enforce its removal.

My client is hopeful that some balance will be sought in determining the suitability of this fence as it is situated in an area with similar structures in excess of 1.2m. The finishes and materials of my client's fence are in keeping with the current appearance of my client's property and it should therefore be accepted as appropriate. It adds to the residential amenity both visually and with regard the occupiers privacy and security.

It would be regrettable for my client to concede all the gains referenced in this letter relating to safety, privacy and security on account of a discriminatory enforcement that hasn't fully considered the suitability of the structure in the overall context of the pattern of development in the area and relevant sections of the CDP.

In conclusion, this application for retention is being made by a family, and not a property developer. My client is trying to provide an appropriate standard of safety, privacy and security for his family.

For the reasons stated above:

- The fence is in accordance with County Development Plan Policies and National Plans;
- It is a fencing solution commonly found anywhere in Dublin, as well as in Rathfarnham;
- It is an improvement on the previous fence which was of a similar height and wasn't subject to enforcement since 2009.

I strongly urge the council to consider this application in the overall context of National Policy Objective 34 and the need for my client to meet the demands of his family by protecting the safety features of his current dwelling.

If you require any further information or clarification, please do not hesitate to contact me.

ENCLOSURES

The following submitted with the application:

- Retention application form.
- Six no full-scale set of architectural drawings.
- Copy of site notice now in place



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- Six copies of ordnance site location map
- Planning fee

Drawings included:

- Property Elevations layouts and site layout
- Elevations house layouts, site layout of property
- Site location map

Yours Sincerely

Kevin Tiernan

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(Agent)