

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0487 **Application Date:** 07-Nov-2022
Submission Type: New Application **Registration Date:** 07-Nov-2022
Correspondence Name and Address: Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14
Proposed Development: Front side garden fence for height above 1.2m.
Location: 16, The Close, Boden Park, Dublin 16
Applicant Name: Robin Petrie
Application Type: Retention

(BC)

Description of Site and Surroundings:

Site Area: stated as 0.199 hectares on application form.

Site Description:

The subject site is located in The Close residential Cul-di-sac in Ballyboden. The subject dwelling is a two-storey semi-detached dwelling with a hipped roof profile. The front garden/amenity area consists of hard standing permeable paving which encompasses most of the front area. A boundary hedgerow is evident on the west front boundary and a small flower bed on the east boundary with large timber fence which is subject to the application.

In curtilage parking can accommodate two cars in the surfaced area. The front amenity areas of the surrounding area consist of single car driveways with grass lawns and landscaping, however, there is evidence of similar full site width in-curtilage parking also. The rear garden contains open space and a garden shed.

The surrounding streetscape is characterised by dwelling houses of similar style and appearance and uniform building line. The street itself contains on-street parking with a grass verge with mature trees and a footpath.

The boundary divisions within the immediate streetscape of the subject dwelling consist mainly of maintained hedgerows and low masonry walls. Evidence of timber fence boundaries also exist in the immediate area.

Proposal:

The proposed development consists of Retention Permission for the following:

- Front side garden fence for height above 1.2m.

Zoning:

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'.

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

Consultations:

Parks Section -

No objection/comments

Roads -

Recommend **Refusal**

SEA Sensitivity Screening - Indicates no overlap with relevant environmental layers on the SEA mapping tool.

Submissions/Observations /Representations:

Submission expiry date – 12/12/2022

No submissions or observations were received.

Relevant Planning History:

Subject Site:

None identified on APAS.

Adjacent sites:

No relevant applications in immediate surrounding area.

Relevant Enforcement History:

S8914 - Lands at 16 The Close, Boden Park, Rathfarnham, Dublin 14.

Case: 7 foot fence with concrete posts in front garden.

Case Opened 14th April 2022 – Enforcement Notice, Ongoing

Pre-Planning Consultation:

None identified on APAS for subject site.

Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

6.8.2 Residential Extensions

Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy G11: Overarching

G11 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 12 Implementation and Monitoring

Section 12.5.8 Residential Consolidation

Extensions

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

Section 12.7.6 Car Parking Design and Layout

On-Street Parking

In urban areas, car parking should be predominantly on-street with communal (that is, undesignated) spaces for the purposes of:

Traffic Calming: On-street parking increases driver caution by visually narrowing the vehicular carriageway and reducing forward visibility;

Efficiency: On-street parking allows for a greater turnover of spaces and caters for visitors;

Pedestrian Comfort: The need for vehicular crossovers and the temptation for drivers to kerb mount and block footpaths are significantly reduced;

Streetscape: Extensive parking to the immediate front of dwellings (where landscaping could be provided) will dominate the appearance of the houses and detract from the visual qualities of the area.

On-street parking should be designed in such a manner as to promote visual amenity, green infrastructure, carbon sequestration and sustainable drainage (SuDS) by applying the following requirements:

- Provision of landscaping integrated into the design of all car parking, to include planting of native trees and pollinator-friendly species;*
- Provision of not more than two parallel or five perpendicular spaces between trees / planting bays;*
- Use of permeable paving, where appropriate.*

The layout of on-street spaces shall be designed in accordance with the Design Manual for Urban Roads and Streets and the National Cycle Manual (where provided adjacent to cycle paths / lanes).

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

In-Curtilage Parking

In-curtilage car parking will be considered to the front of the house for lower density residential development (40 dwellings per hectare or below), subject to:

- *Sufficient measures to promote a self-regulating street environment;*
- *Adequate plot widths to enable the planting of materials which have a low-level screening effect;*
- *The provision of conveniently located on-street parking for visitors.*

Widening of Driveways to Accommodate In-Curtilage Parking

Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- *A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;*
- *Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated;*
- *Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.*

National Guidelines & Policy relevant to Development Management

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The House Extension Design Guide contains the following general guidance on house extensions and specific guidance on driveways:

- Try to maintain a minimum driveway length of 6m.
- Permeable gravel on parking areas will allow natural drainage to occur

Section 5 – FAQ:

In the construction or alteration of a gate, gateway, railing or wooden fence or a wall of brick or stone you must ensure the following:

- *The height of a wall or fence within or bounding any garden or other space in front of a house shall not exceed 1.2 metres or 2.0m in height if located to the rear of a house.*
- *Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped*

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

• No garden boundary shall be a metal palisade or other security type fence.

The plastering or capping of a concrete block or mass concrete wall does not in itself require planning permission, but in the interests of residential amenity every effort should be made to achieve a finish which is consistent with that of your property and other buildings in the area.

While you may not require planning permission in the circumstances outlined above you should, where a common boundary exists, consult your neighbour. The Planning Authority has no liability in the event of any dispute that may arise in this respect.

Elements of Good Extension Design:

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible'.*

Relevant Government Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Quality Housing for Sustainable Communities: Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Roads
- Parks
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

A development comprising of the retention of an approximately 7.4m long garden fence which is above 1.2m in height would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity,' subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

Residential and Visual Amenity

The development proposal involves the retention of a c7.4m long garden fence consisting of concrete posts and timber panelling. The application site contains a shared boundary with the neighbouring dwelling No.14 The Close. A maintained hedgerow forms the boundary on the adjoining side of the subject site within No.14 to the fence and the subject dwelling.

It is noted that the nature and scale of the fence is out of character with the immediate residential estate for which the site is set. It is also noted that any block or timber fences in the surrounding area are at a much lower level than the subject site with no present established in the area for a fence of height proposed by the subject application. The dominant characteristic of front boundary treatments within the immediate area consists of hedgerows and planting, some masonry and timber fence structures are also evident at an acceptable height which provide adequate security, privacy, safety and sustainability in relation to each site. The South Dublin County Council House Extension Guide (2010), which is supported by the CDP 2022-2028 states in section 5 that:

'In the construction or alteration of a gate, gateway, railing or wooden fence or a wall of brick or stone you must ensure the following:

- *The height of a wall or fence within or bounding any garden or other space in front of a house shall not exceed 1.2 metres or 2.0m in height if located to the rear of a house.'*

The subject fence is located in the front amenity area of the dwelling and beside the entrance in a busy residential area. The height of the proposed fence poses a potential risk to pedestrian and cyclist safety along with other motor transport accessing the street due to the height and solid nature of the fence and the decrease in visibility that this provides to oncoming traffic. The

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

height of the subject fence is 1.8m to 1.962m in height on the front boundary is not consistent with the policy stated previously under Section 5 and therefore, would be unacceptable in its current form to South Dublin County Council Planning Department. However, this can be overcome by means of **condition**. The applicant is requested to reduce the height of the timber fence to a height no greater than 1.2meters.

This will result in an acceptable height for the fence that will be consistent with the heights of similar types of fences and boundary walls in the immediate surrounding area and consistent with council policy on boundary provisions.

Roads

The roads department of the council have reviewed the subject application and recommend **refusal**. The roads report states the following:

'Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.



Description: *Front side garden fence for height above 1.2m.*

Note:

Front boundary walls that exceed 1200mm in height require planning permission.

Roads Department standard condition re front boundary walls is as follows:

- 1. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

The figures of 1800mm and 1962mm are quoted on the submitted drawing as the heights to be retained.

The height of this fence inhibits driver visibility and creates a road safety hazard, which creates an increased risk for pedestrians and vulnerable footpath users.

Roads Department are not in favour of retaining this structure.

Roads recommend refusal

Conclusion

The report from the Roads Department is noted and can be addressed by means of **condition**.

Parks

The public realm department of the council have reviewed the application and have no objection to the development.

Green Infrastructure

The subject application provides for a no increase in the footprint of the subject house on an established suburban residential site rather the retention of a garden fence with height above 1.2m. The site appears not to be located in close proximity to a Primary GI Corridor or a Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of the retention of a front side garden fence with height above 1.2m.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Development Contributions

Total Assessable 0sqm

| | |
|--|--|
| Planning Reference Number | SD22B/0487 |
| Summary of permission granted & relevant notes: | Retention of front side garden fence for height above 1.2m. |
| Are any exemptions applicable? | No |
| If yes, please specify: | The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought. |
| Is development commercial or residential? | Residential |
| Standard rate applicable to development: | 119.10 |
| % reduction to rate, if applicable (0% if N/A) | 0 |
| Rate applicable | €119.10 |
| Area of Development (m2) | 0 |
| Amount of Floor area, if any, exempt (m2) | 0 |
| Total area to which development contribution applies (m2) | 0 |
| Total development contribution due | €0.00 |

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

| SEA Monitoring Information | |
|-----------------------------------|--------------------------|
| Building Use Type Proposed | Floor Area (sq.m) |
| Residential – Garden Fence | 0sqm |
| Land Type | Site Area (Ha.) |
| Brownfield/Urban Consolidation | 0.199 |

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, it is considered that, subject to the **conditions** set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Retention to be in accordance with submitted plans and details.
The applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
(a) Garden Fence with reduced height not exceeding 1.2meters;
(b) Garden Fence to be reduced in height to that not exceeding 1.2meters within 3 months of the grant of retention, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

2. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

3. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

Comhairle Chontae Atha Cliath Theas

PR/0036/23

Record of Executive Business and Chief Executive's Order

REG. REF. SD22B/0487

LOCATION: 16, The Close, Boden Park, Dublin 16



**Deirdre Kirwan,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 11/01/23


**Gormla O'Corrain,
Senior Planner**