



An
Bord
Pleanála

Inspector's Report ABP-321031-24

Development	<i>1.8m high concrete blockwork wall and all ancillary works.</i>		
Location	<i>Lackensillagh, Aglish, Co. Waterford.</i>		
Planning Authority Ref.	<i>2460361.</i>		
Applicant(s)	<i>Patsy Fleming.</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Grant.</i>
Type of Appeal	<i>Third Party</i>	Appellant	Aidan Mernin & Karen Lenihan
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>16-12-2024</i>	Inspector	Adam Kearney

Context

1. Site Location/ and Description

The subject site is located in southwest Waterford in the townland of Lackensillagh circa 10km south of the village of Cappoquin. The property is within a hillside wooded area west of the R671 Regional Road. There is a small cluster of dwellings and outbuildings configured in a loose courtyard configuration with no defined boundaries obvious.

2. Description of development.

The applicant is seeking to construct a 1.8m high concrete blockwork wall and all ancillary works

3. Planning History

No Relevant Planning History

4. National/Regional/Local Planning Policy

Waterford City and County Development Plan 2022 - 2028:

Located outside any zoning boundaries so by default Zoned Agriculture: To provide for the development of agriculture and to protect and improve rural amenity

Chapter 10 Landscape, Coast/ Marine and Blue Green Infrastructure Site is situated within a 'Low Sensitive' Scenic Classification

'Each unit of character is assigned an indicator of sensitivity, which indicates the extent to which the landscape will be vulnerable to change in its character. The categories (most sensitive, high sensitivity, low sensitivity and least sensitivity) reflect the criteria of the capacity to absorb new development as well as the potential to create disproportionate visual impacts.'

No specific standard applicable to rural development urban standards are as per the following;

Table 3. 1 General Standards for New Residential Development in Urban Areas

Boundary Treatment

- *A uniform treatment for the boundaries of individual sites, which is capable of providing adequate privacy between properties, shall be implemented throughout a residential development.*
- *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. Open plan gardens will not be allowed on main access roads.*
- *Rear boundary walls or fences must generally be provided to a height of not more than 2 metres.*
- *1.8m side Garden walls should generally be presented behind the front building line of the dwelling only, to allow for the openness of residential development and to protect visual amenities; lower level walls may extend forward of this line.*
- *Boundary walls/enclosures should not present blank spanning facades onto thoroughfares. Design solutions may include the use of alternative site orientation and/ or dual aspect dwellings, including provision of side access/ egress arrangements.*

5. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. At their closest points, the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) and the Blackwater River And Estuary proposed Natural Heritage Area (pNHA) (Site Code 000072) are circa 2.5 km to the west of the site. The Blackwater Estuary Special Protection Area (SPA) (Site Code 004028) is circa 5 km to the southwest

Development, Decision and Grounds of Appeal

6. PA Decision

Permission was granted for the proposed development on the 23-09-2024 with 1 no. condition applied as follows:

The development permitted herein shall be carried out in accordance with plans and particulars submitted to the Planning Authority on the 2nd of July 2024 and as amended by details submitted on the 2nd of September 2024.

Reason: *To clarify the documents to which the permission relates and for the proper planning and sustainable development of the area.*

7. Third Party Appeal. Grounds:

- The proposed wall will divide two Traditional properties both Hundreds of years old located on the easterly side of a steep hill already devoid of natural light.
- All walls and ditches are ancient mass paths of natural stone approximately 1 .2 meters in height.
- Not an inter- site division between houses in your typical urban Area
- The height of the wall and its proximity to our cottage windows would be detrimental to our residence.
- A 1.4m wall or structure would be more sympathetic to our needs and concerns
- A plaster cap finish more in keeping with the area
- Waterford County Council were made aware one of the residents had suffered a life changing back injury and requires on going vehicle access to the rear of their property to continue to access essential services(gas), structural, roofing, drainage etc
- Our family have had access to the rear of our property since circa 1845 and this ongoing access will cease to exist without the provision for a gate or alternatively an offset of the wall.
- A 1.4 m block wall with plaster caps which would at least be in keeping with the existing mass paths or paddock fencing or a simple stock-proof fence

8. PA Response

- None on File

Environmental Screening

9. 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.

10. AA Screening

Having regard to the modest nature and scale of development involving the construction of a 1.8m boundary wall it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. I have reviewed the planning file, the third-party appeal and have visited the site. I consider the substantive issues to be as follows:

- The principle of development
- Impact on residential amenity
- Access

2.2. Principle of Development

2.3. The owner of the subject property is seeking permission to construct a boundary wall between his property and the neighbouring dwelling where currently they both share a courtyard and where only one dwelling is currently occupied.

2.4. The proposal is for a 1.8m high concrete block wall capped and with pillars. Following a request for Further Information that raised concerns and suggested a reduced height and offsetting the building line of the wall, the applicant responded through their agent stating that to offset would create issue around title, liability and

trespass and that the height sought was standard. Permission was subsequently granted. In terms of establishing a boundary to define properties, I am satisfied that the erection of a boundary wall at this location is acceptable in principle and not that the appellant is accepting also of the principle albeit has certain concerns with the detail.

2.5. Impact on Residential Amenity

2.6. As stated, I note that the appellants are accepting of the principle of a boundary but have concerns with certain elements that would impact on their residential amenity and of the area, namely the height, location, make up, and finish of the wall

2.7. Having regard to the height, I note the concerns of the appellant and their request for a lower wall but I do not foresee that a 1.8m high wall would be excessive or cause undue overshadowing of fenestration of the neighbouring property and albeit the site is in a rural area the proposal seeks to define a boundary between separate and individual properties that are clustered and in this sense it is acceptable to follow the standards as stipulated in the CDP applicable to urban areas.

2.8. In terms of the detail of the construction I would be in agreement with the appellant that a plaster cap rather than a precast cap would be more in keeping with the area and least invasive where currently no boundary exists. Both sides of the proposed wall should be rendered with sand and cement once agreement around temporary access to complete the works on the appellants side is agreed between parties and all piers associated with the structural integrity of the wall should appear on the side of the applicant only.

2.9. In this respect I am satisfied that the erection of a continuous 1.8m concrete boundary wall as proposed subject to conditions would not impact on the residential amenity of the subject or neighbouring property.

2.10. Access

2.11. The appellants requests a gate/access, given historic access arrangements. There are also concerns raised about the necessity for accessing the rear of the property due to personal circumstances.

2.12. Having observed the level of access the appellants are provided at the front and the side of their detached dwelling I do not consider there is any necessity for an

additional access arrangement to the rear through the proposed boundary wall. In addition to allow an entrance would invite vehicular and pedestrian traffic over the applicants property that would impact the privacy and residential amenity of both properties once both dwellings are occupied simultaneously.

3.0 Recommendation

3.1. I recommend that permission for the development be Granted

4.0 Reasons & Considerations

Having regard to the nature and scale of the development proposed, it is considered that, subject to compliance with the conditions below, the development would not seriously injure the amenities of the area or the amenities of properties in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions:

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The concrete block wall shall be rendered on both sides (once permission for same is forthcoming from the neighbouring property) and finished with a plaster cap and NOT a precast cap. Wall piers shall be constructed on the applicant's side only. The overall height of the wall inclusive of plaster cap shall not exceed 1.8m above existing ground level.</p> <p>Reason: In the interest of visual amenity and orderly development</p>
3.	<p>Site development and building works shall be carried only out between the</p>

	<p>hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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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.

Name: Adam Kearney

Planning Inspector

Date: 17-01-2025

Appendix 1
Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321031-24		
Proposed Development Summary	1.8m high concrete blockwork wall and all ancillary works.		
Development Address	Lackensillagh, Aglish, Waterford.		
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	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
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		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			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____