



Joe Bonner BA MRUP Dip Env Eng Dip Proj Mgt MIPI

**3rd PARTY SUBMISSION/OBSERVATION
ON PLANNING APPLICATION**



Planning Authority: South Dublin County Council
Planning Reg. Ref. No: SD21A/0179
Applicant: Gerry Teague
Observer: Mrs. Maria Fitzgerald
Christy Tucker
Dermot Byrne
Paddy Duignan
Clara Crowley Ralph
Pat Hayden

Development: Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments, all with associated private open spaces areas in the form of balconies; access to the development from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive; all with associated landscaped courtyard at ground floor level, sedum roof (main roof), bicycle storage, bin storage, signage, associated drainage and site development works (Protected Structure RPS No. 094).

Site Location Ball Alley House, Leixlip Road, Lucan, Co. Dublin

Final Date for Submissions: 4th August 2021

Prepared By:	Signed	Date of Final Version
Joe Bonner	<i>Joe Bonner</i>	4 th August 2021

1.0 Introduction

This submission/observation has been prepared by Joe Bonner Town Planning Consultant, The Airport Hub, Unit 1, Furry Park, Old Swords Road, Santry, Dublin 9, D09 WY06, on behalf of: -

- Mrs. Maria Fitzgerald, 21 Ardeevin Drive, Lucan, Co Dublin, K78 Y6P4
- Christy Tucker, 23 Ardeevin Drive, Lucan, Co Dublin, K78 N4X0
- Dermot Byrne, 18 Ardeevin Drive, Lucan, Co Dublin
- Paddy Duignan, 20 Ardeevin Drive, Lucan, Co Dublin
- Clara Cowley Ralph, 22 Ardeevin Drive, Lucan, Co Dublin
- Pat Hayden, 24 Ardeevin Drive, Lucan, Co Dublin

in respect of planning reg. ref. SD21A/0179 and has been submitted within the statutory period provided, with the last day for receipt of submissions / observations being 4th August 2021.

The submission / observation is accompanied by the statutory fee of €20.00.

2.0 Description of Development

The development is described in the public notices accompanying the application as: -

Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments, all with associated private open spaces areas in the form of balconies; access to the development from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive; all with associated landscaped courtyard at ground floor level, sedum roof (main roof), bicycle storage, bin storage, signage, associated drainage and site development works (Protected Structure RPS No. 094).

3.0 Site Location

The general location of the site which is the car park serving the adjacent Ball Alley pub is shown in image 3.1 while the site is also outlined in red in image 3.2 with the Fitzgerald home shown in green to the immediate west, the Tucker home in blue located to the immediately east of the site and the Byrne, Duignan, Cowley Ralph and Hayden homes to the south at 18-24 are collectively outlined in yellow at the bottom of image 3.2. The protected structure that is the Ball Alley pub is also hatched as it forms part of the overall landholding from which the site is proposed to be taken, by removing 52 parking spaces.



Image 3.1
Site Location
outlined in red

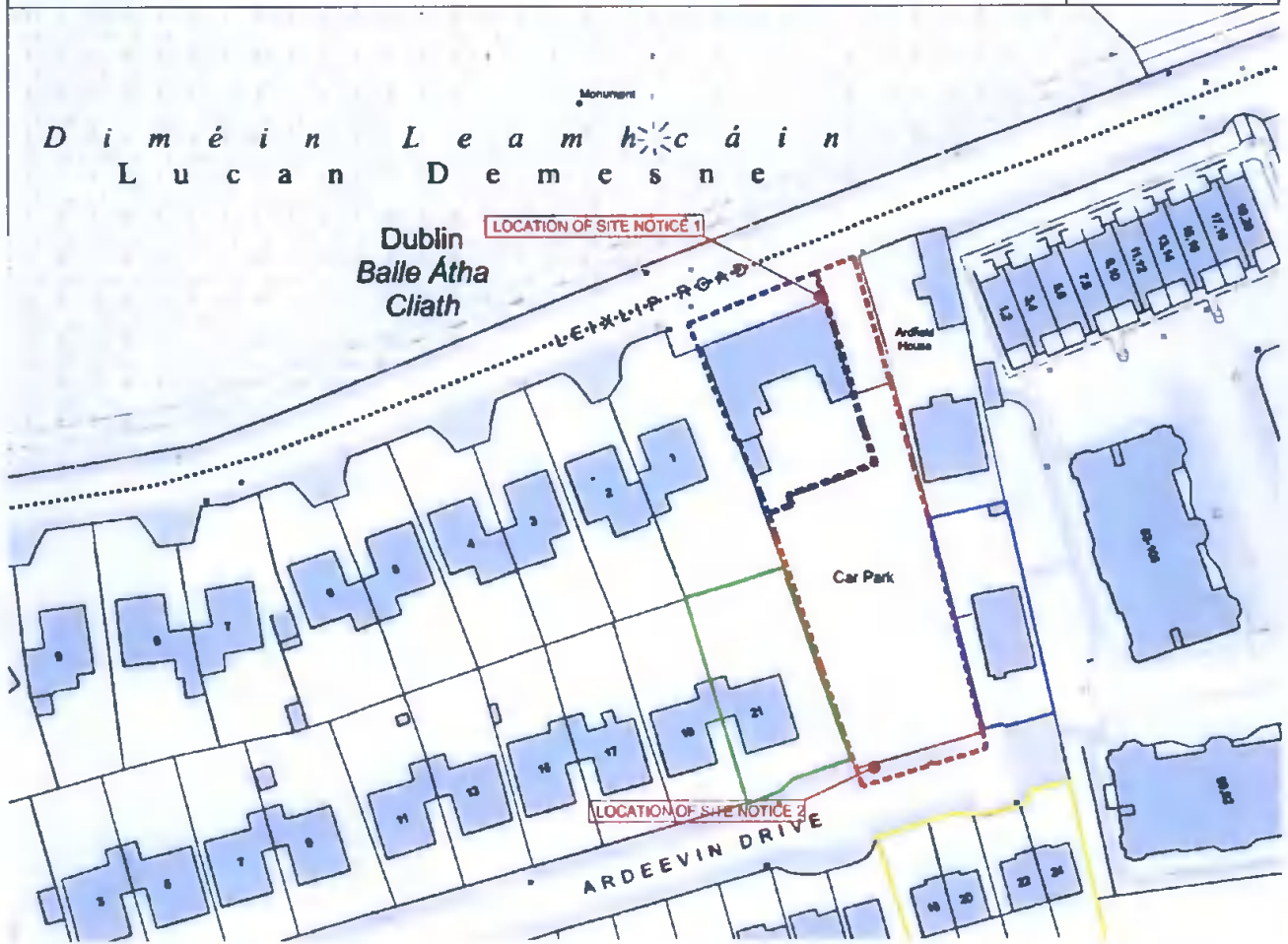


Image 3.2 Affected houses 18-24 Ardeevin Drive outlined in green, blue and yellow

4.0 Land Use Zoning

The site and immediately surrounding area are zoned 'Objective RES' (A1) in the South Dublin County Development Plan 2016-2022, the objective of which is *'To protect and/or improve residential amenity'*. Residential development is permitted in this area subject to complying with development management standards as well as the Policies and Objectives of the Plan. Later we will examine how the proposed development is inconsistent with many of Standards, Policies and Objectives of the Plan and how it will neither protect nor improve the residential amenity of the adjacent family homes and set out why permission should be refused.

The site is shown in red in Image 4.1 below.



Image 4.1 Land Use Zoning Map from South Dublin County Development Plan

The No. 94 reference is to the protected structure at Ball-Alley House, which refers to the building at the front of the landholding which the car park subject to this application is taken from.

Map Ref. Number	Address/Location	Description
094	Ball-Alley House, Lucan	Detached Eight-Bay Two-Storey Public House

5.0 Planning History

In this section we will examine a number of planning history precedents in the immediate area which are considered relevant and of which the Planning Authority should be aware of when making its assessment and decision in respect of this application. With the exception of the first case cited below, which was located on a site to the immediate west-northwest of the application site and north of the Fitzgerald's home and was refused permission by South Dublin County Council and also by An Bord Pleanala for two reasons, the consistent theme running through all of other applications is that while they were much smaller in scale than the current proposal, the protection of the residential amenity of adjoining properties was a significant factor for the Planning Authority in each instance.

The site of the first application listed below is shown in image 5.1 relative to the site of the proposed development and is located immediately to the west/northwest of the site and to the north of the Fitzgerald's home.

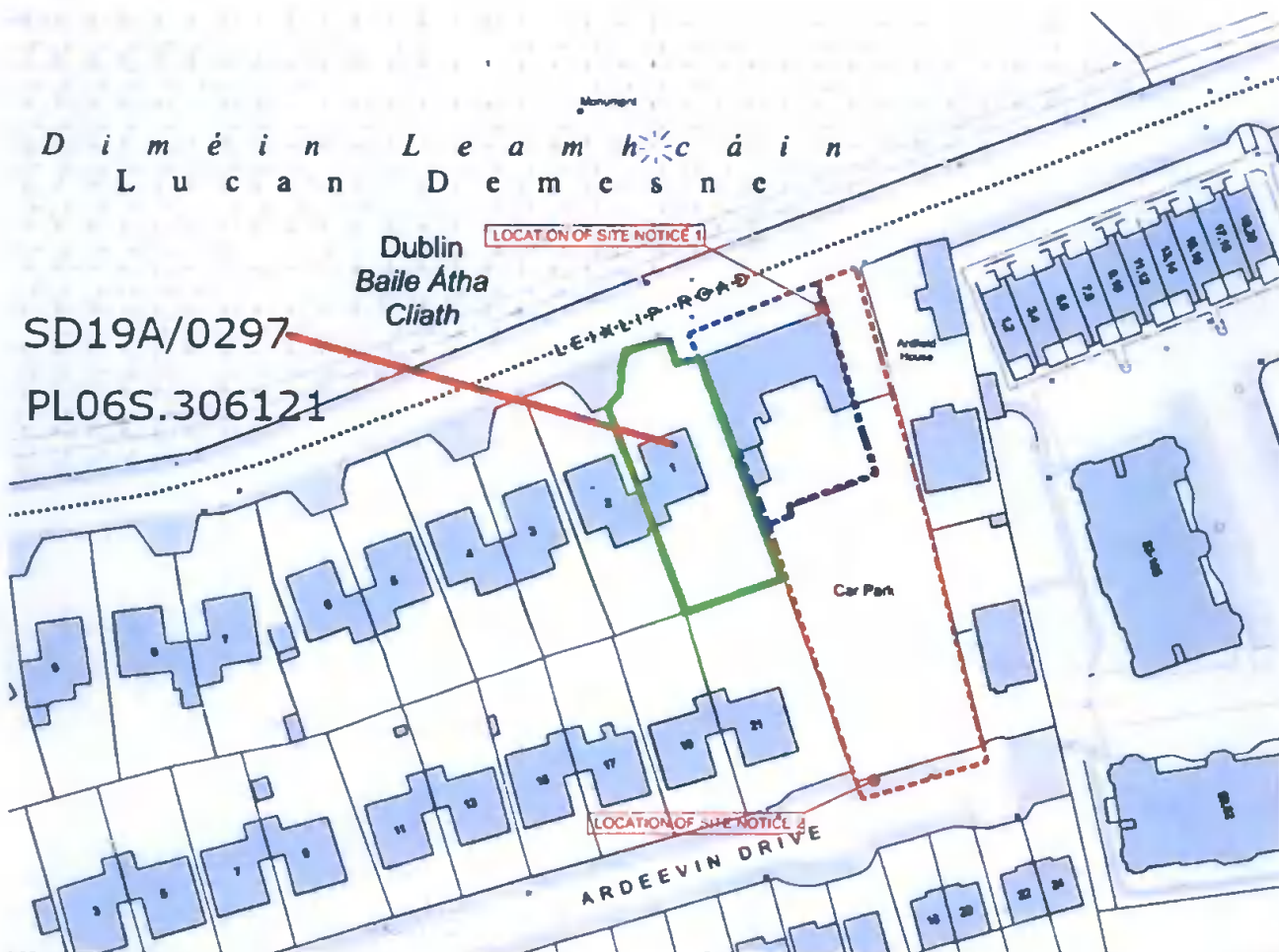


Image 5.1 Sites of recent precedent application proximate to application site which was refused permission

Table 5.1 Summary of Refusal on adjacent site under same County Development Plan

Reg Ref	SD19A/0297 (PL06S.306121)
Description	Demolition of the existing house, existing shed; removal of the existing portacabin; removal of selected hedging and the modification of the northern boundary wall along Leixlip Road; proposal includes the construction of 6 2-bed apartments, with all associated site development works; private open space areas; public open space areas; signage; bin storage; cycle parking; car parking; drainage and landscaping.
Location	Ardeevin, 1 Lucan Lodge
Decision	Refuse permission by SDCC and by An Bord Pleanala
Relevant issues	<p>The refusal reasons issued by An Bord Pleanala stated (emphasis added): -</p> <ol style="list-style-type: none"> 1. It is considered that, by reason of its design, the proposed development of a three-storey apartment block would materially and adversely affect the character and setting of the adjoining 'Ball Alley' public house which is listed on the Record of Protected Structures and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area. 2. Having regard to the <u>prominent location</u> of the site, to the <u>established built form</u> and character of the Leixlip Road, Lucan and to the existing buildings on the site which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of a <u>three-storey apartment building</u>, would be <u>incongruous in terms of its design</u>, which would be <u>out of character with the streetscape</u> and would <u>set an undesirable precedent</u> for future development in this area. The design is not considered to justify the demolition of the existing structures on the site. The proposed development <u>would seriously injure the visual amenities of the area</u>, would be <u>contrary to the stated policy</u> of the planning authority, as set out in the current Development Plan, <u>in relation to urban development</u> and would, therefore, be contrary to the proper planning and sustainable development of the area.

If a three storey building affected the character of the Ball Alley pub then so too should a four storey building.

Images 5.2 and 5.3 are images of the development as proposed with image 5.2 shows the deeper building line of the proposed structure.



Image 5.2 Building line of development refused on site to west of application site in April 2020

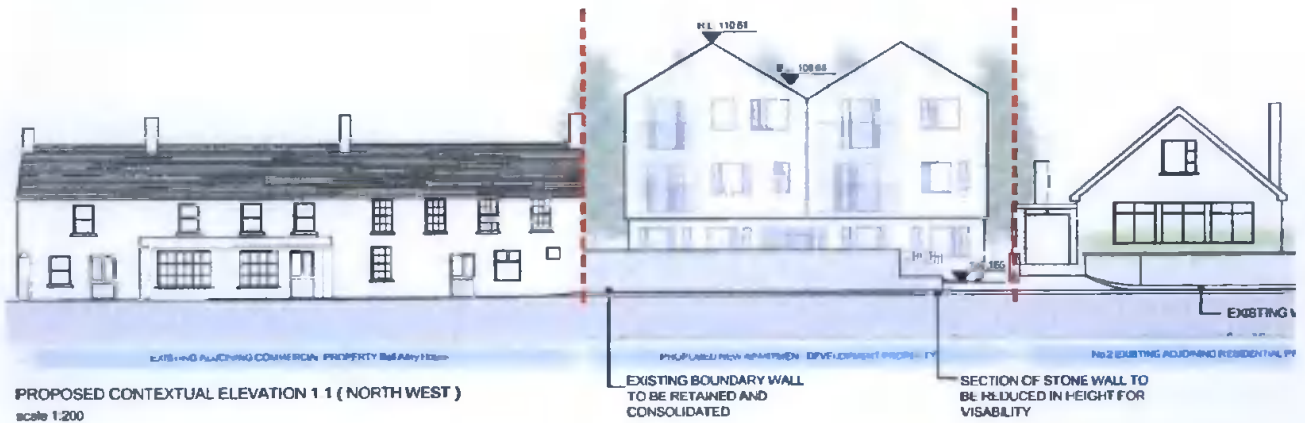


Image 5.3 Front elevation of development refused for being out of character and impact on amenities

Image 5.4 shows the view from Ardeevin Drive with the Fitzgerald home outlined in orange, the refused development in blue and the current application site in red, with the existing Ball Alley building visible. For context, image 5.5 shows the same street elevation of the current proposed development with the Fitzgerald Home also in orange, the application site in red and the Tucker home in green. Image 5.5 represents the view that will be experienced by the Byrne, Duignan, Cowley Ralph and Hayden families at No's 18, 20, 22 and 24 Ardeevin Drive.

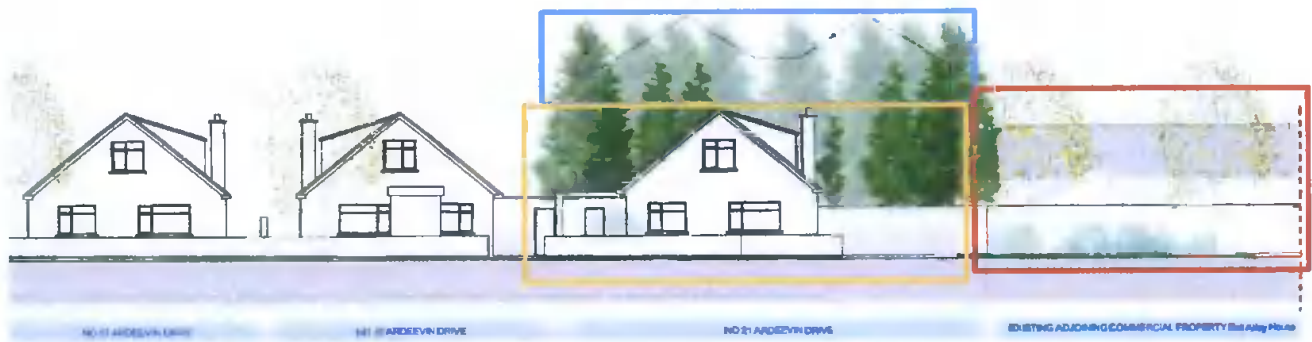


Image 5.4 Current View from 18, 20, 22 and 24 Ardeevin Drive



Image 5.5 Proposed view from 18, 20, 22 and 24 Ardeevin Drive

As we will see in sections 6 and 7 below, the impact of the proposed development will be even greater than that which was refused by South Dublin County Council and Bord Pleanála in 2020, under the same Development Plan. There is no reason why the refusal reasons cited in Table 5.1 above would not still stand in respect of the current application.

5.1 Importance of existing residential amenities

The five examples cited in Table 5.2 below all refer to grants of permission proximate to the site, where the amenities of existing residents were a key consideration for the Planning Authority in granting permission. The scale of the developments are significantly smaller than that refused in 2019 or the current proposal but demonstrate that it is vitally important to take your neighbours into consideration when designing a development, something that does not seem to have been done in respect of the current proposal for a four storey building.

The most recent application has been subject to a request for further information and is now subject to clarification of further information. The issues raised including height and scale, loss of light and impact on residential amenity, all of which are directly applicable to the current proposal, which is significantly larger than the development proposed in SD21B/0064.

Table 5.2 Proposed development currently under consideration by SDCC close to application site

Reg Ref	SD21B/0064
Description	Alterations to existing dwelling to include demolition of existing single storey garage; single storey rear extension and garden shed; removal of first floor dormer and chimney; new external insulation; new windows and roof windows; new dormer to the west; construction of new two storey extension to the east and a single storey extension to the rear of the site; overall increase of the floor area will be 86.55sq.m; all associated site works.
Location	No.9 Ardeevin Drive
Decision	Grant permission
Relevant issues	<p>The first Planning Officers report made the following comments: -</p> <p>Residential & Visual Amenity</p> <p>The proposal in principle is considered acceptable, however the <u>main issues for consideration</u> are compliance with Council policy and <u>impact on residential/visual amenity</u>. The proposed development is in an area with a zoning objective RES - 'To protect and/or improve Residential Amenity'.</p> <p>Western Side Dormer Window</p> <p>It is considered that the <u>close proximity to the neighbouring dwelling to the west may cause undue overlooking and have a negative impact on the privacy</u> of No. 7 Ardeevin Drive. The dormer extension would be viewed directly from the ground floor windows of No.7 and from the private amenity space to the side of the property. Thus, the proposal <u>would contravene the zoning objective which seeks 'To protect and/or improve Residential Amenity'</u> under the South Dublin County Council Development Plan 2016-2022.</p> <p>The applicant should be given the opportunity to address the design by way of Additional Information. Having regard to Dormer Extensions' of the South Dublin County Council House Extension Design Guide (2010).</p> <p>Eastern Side Extension</p> <p>Having regard to the height and depth of the extension along the eastern boundary with No.11 Ardeevin Drive, it is considered that the proposed extension <u>may be significantly injurious to the amenities</u> of No.11, <u>from loss of light and privacy</u>. The extension would <u>reduce the amount of light and privacy to the habitable room windows of the ground floor</u> despite the fact that the habitable room windows are set in from the boundary. It is considered that the <u>height and scale of the side extension would also appear unbalanced</u></p>

when viewed from the main road and is not considered subservient to the main dwelling. Thus, the proposal would contravene the zoning objective which seeks 'To protect and/or improve Residential Amenity' under the South Dublin County Council Development Plan 2016-2022.

Rear Extension

Having regard to the substantial depth of the proposed rear extension that projects 6.4m from the rear building line and combined with the proposed eastern side extension is a total of 14.4m, it is considered that the overall length of the rear structure would be visually obtrusive and impact negatively on the amenities of the property at No.11 Ardeevin Drive. Thus, the proposal would contravene the zoning objective which seeks to 'To protect and/or improve Residential Amenity' under the South Dublin County Council Development Plan 2016-2022.

The planning authority is not opposed to a substantially reduced rear extension. The applicant should be afforded an opportunity by **Additional Information** to reduce the depth, size and overall impact of the proposed side/rear extension and should as a minimum does not extend beyond 4m from the existing rear building line of the dwelling. This is in order to be consistent with the guidance set out in Section 4 of the South Dublin County Council House Extension Design Guide (2010) Do not overlook, overshadow or have an overbearing impact on neighbouring properties. Furthermore, the reduction in the length of the proposed rear extension will provide rear amenity that is required (see Rear Amenity Space section of this report, below)

The proposed extension would fail to appear subservient to the main dwelling and would not complement it by its symmetry. It is considered that a two-storey side extension and a single storey rear extension that is significantly reduced in depth could be accommodated on this site provided the above issues are addressed. In this context the applicant is required to address this by **Additional Information**.

The above comments and the other decisions below demonstrate that the planning authority protects the amenities of the existing residents when assessing planning applications in the area.

Reg Ref	SD18B/0299
Description	Single and two storey rear extension, internal alterations all with associated elevation changes and siteworks.
Location	No.15 Ardeevin Court
Decision	Grant permission
Relevant issues	<p>The proposed extension at first floor level was to protrude 5.3m from the rear building line but was restricted by condition to 3.5m in order to protect the residential and visual amenity of the neighbouring properties.</p> <p>The Planning Officer stated that 'Having regard to the separation distance between the subject site and neighbouring property to the east, it is considered that the projection of the first floor by 5.3m would negatively impact on the neighbouring property, by way of overshadowing and overbearing'.</p>

Reg Ref	SD15B/0231
Description	Two story extension plus conversion of the existing garage with single storey rear extension.
Location	No 1 Lucan Lodge
Decision	Grant permission
Relevant issues	<p>The Planning Officers Assessment stated in reference to the 6.1m high extension that would not breach the existing ridge height that: -</p> <p>Having regard to the scale of the proposed development, it is considered that the proposed extensions would be acceptable and would not injure the residential amenities of the adjoining property.</p> <p>A key consideration in permitting this extension was that it would not injure the amenities of the adjoining properties.</p> <p>As we will demonstrate later, the height of the proposed development in this instance is significantly higher than the adjacent buildings on all sides and will have a significant negative impact on the amenities of those properties including the Fitzgerald and Tucker homes as well as the Byrne, Duignan, Cowley Ralph and Hayden properties on the southern side of Ardeevin Drive that will be facing directly into the proposed 4 storey building.</p>

Reg Ref	SD6B/0889
Description	Ground and First floor extensions
Location	12 Ardeevin Avenue
Decision	Grant

Relevant issues	<p>With respect to the proposed first floor extension the Planning Officer stated that: -</p> <p><i>The first-floor extension‘would be visually obtrusive when viewed from the adjacent properties. It would be out-of-character and appearance with the existing dwelling house and surrounding dwellings. Furthermore, the proposed first floor extension by way of its location to the south of an existing dwelling <u>would give rise to overshadowing</u> of the property located at no 10 Ardeevin Avenue. It is considered that the proposed first floor extension should be omitted by way of condition as it would <u>set an undesirable precedent</u> for similar type development.’</i></p> <p>While permission was granted, the <u>first floor was omitted by condition with residential amenity again being the key consideration</u> for the Planning Authority.</p>
-----------------	---

Reg Ref	SD04B/0465
Description	Two storey extension
Location	17 Ardeevin Drive
Decision	Grant
Relevant issues	<p>In granting permission, the Planning Authority attached a condition that a dormer window must be omitted and replaced by a velux rooflight for the following reason: -</p> <p>‘Reason: In the interest of residential and visual amenity’.</p>

The above sample of decisions in the immediate area of the site of the proposed development confirms that any development that will have a negative impact on residential amenity will not be permitted or will be suitably controlled by condition and as we will demonstrate below, the proposed development in this instance will have a significantly greater impact on the adjacent properties than would occur with any of the developments described above and in this instance permission should be refused.

6.0 Proposed Development and impact on adjacent properties

In this section we review aspects of the proposed development by reference to a number of the elevations and sections submitted with the application, in order to demonstrate the negative impact that the development will have on both the Fitzgerald home at 21 Ardeevin Drive and the Tucker home at 23 Ardeevin Drive, as well on the Byrne, Duignan, Cowley Ralph and Hayden homes located on the opposite (southern) side of Ardeevin Drive.

It should be noted that as of the morning of 4th August 2021, the floor plans in respect of the proposed development were not available online so it was not possible to comment on them.

The proposed development involves the removal of 52 car parking spaces that are associated with the adjacent Ball Alley pub and the construction of with a four-storey apartment development containing 14 apartments.

In comparison, the proposal that was refused on the adjacent site under SD19A/0297 (PL06S.306121) was for a three storey building containing six apartments.

The footprint of the proposed development is shown in image 6.1 below and the impact of the development by reason of proximity is clearly evident, even before we examine the scale, mass, height and front and rear building lines of the building relative to the adjacent houses.



Image 6.1 Proposed Site Layout relative to adjacent residences

The front building line of the proposed development is in line with the front building line of the Fitzgerald home at No 21 and the Tuckers at No 23, while the rear building line extends well beyond the rear building lines of both houses while the proposed development will introduce a four storey building to the east of the Fitzgeralds and west of the Tucker family for the first time as well as replacing a line of mature trees along the southern boundary opposite no's 18-24 with a four storey building and car parking.

6.1 No 21 Ardeevin

The eastern side elevation of the Fitzgerald's property consists of a wall and some low hedging and trees. The eastern elevation which is showing an image 6.2 includes an upstairs bedroom, glazed ground floor entrance porch, living room, kitchen and conservatory to the rear. This eastern side of the house benefits from morning sunlight that will be affected by the proposed development and is addressed later.



Image 6.2 Eastern elevation of Fitzgerald property that will be affected by proposed 4 storey building

Image 6.3 is taken from Ardeevin Drive just south of No 21 and shows the street facing gable of the Fitzgerald's home as well as the open and unobstructed aspect to the east where the Ball Alley carpark is currently located and where the four storey structure is to be erected. This aspect will be significantly altered if the proposed development is permitted and will permanently eliminate the morning sun both in the house and in a large part of the Fitzgerald's side and rear garden areas.



Image 6.3 Existing unobstructed views towards east from Fitzgerald home

In what may be an attempt to reduce the perception of the impact of the proposed development on adjacent residences, the elevations are submitted at a scale of 1:200. The view from the Fitzgerald's home will be as per image 6.4 with the proposed building standing 12.7m in height at a distance of only 5.17m from the shared boundary. The approximate outline of the Fitzgerald home is shown by the red line in image 6.4.

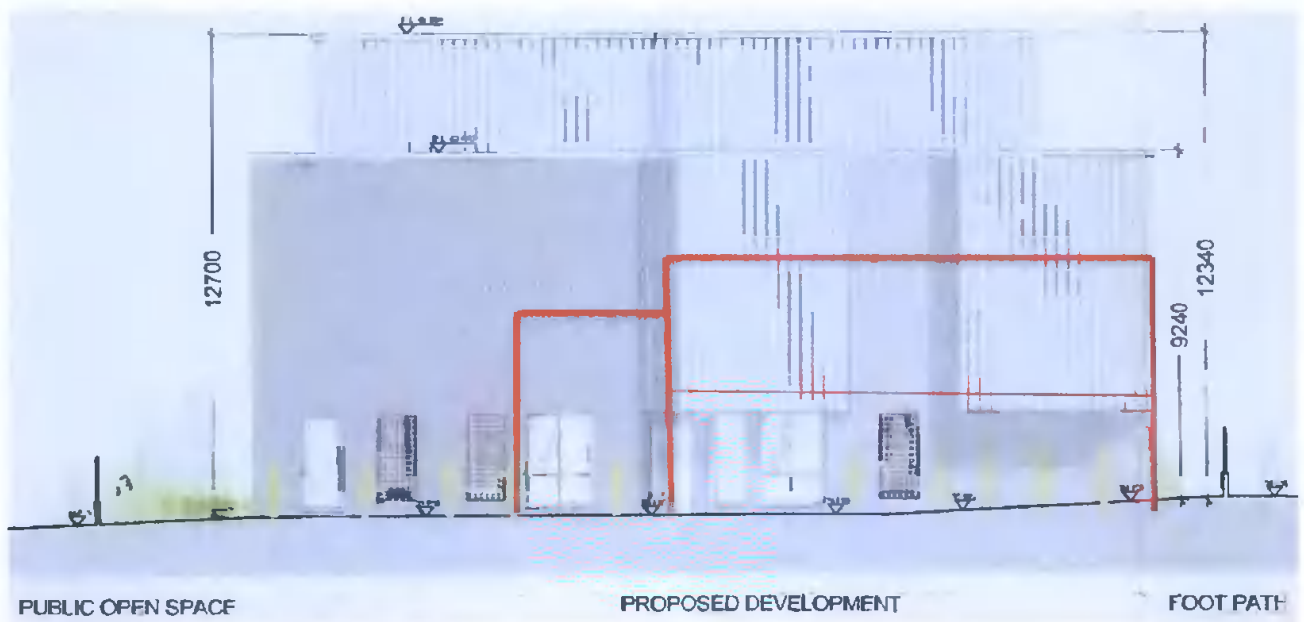


Image 6.4 Scale of proposed development relative to the Fitzgerald's home

The applicant's design statement includes a photorealistic image that flatters the proposed development and would give the impression that there is a significant gap between the proposed development and the Fitzgerald's home and that there is a heavy tree line between the properties. The trees shown in image 6.5 run along the rear garden of the Fitzgerald's home and there will be no visual barrier between the Fitzgeralds and the proposed development. It is also noted that no image has been provided of the same building and the Tucker's home that is located to the immediately right of the proposed four storey building shown in image 6.5. Many more views could be selected to give a much more realistic and accurate perspective of the negative impact that will result from the proposed development on the amenities of neighbouring residences.



Image 6.5 Applicants view of how the proposed development will look

6.2 No 23 Ardeevin Drive

The Tucker home at No 23 is located immediately east of the site and the western side of the Tucker home has three windows opening onto the shared site boundary with the existing carpark that is to be redeveloped. This side of the house, which is shown in image 6.6 below, enjoys afternoon and evening sunlight as there is nothing in the way to block sunlight.



Image 6.6 Western and southern (gable front) of Tucker home enjoys unobstructed sunlight at present

The Tucker's side and rear garden area also enjoys unobstructed sunlight at present as shown in images 6.6, 6.7 and 6.8. Image 6.7 is taken from the rear of the garden with the rear gable of the house and the stepped back conservatory evident as is the shared boundary with the carpark where the proposed development is to be located as close as 2m from the shared boundary wall, that is identified by red lines in images 6.7 and 6.8. Image 6.8 is taken from the steps of the west facing door of the conservatory that is visible in image 6.7. The skyline will be entirely eliminated by the proposed development.



Image 6.7 View southwards from Tucker's rear garden with shared boundary identified by red line



Image 6.8 Current view westwards from Tucker's conservatory door

Image 6.9 is the view that will replace the current open sky views above the shared boundary wall if permission is granted for the proposed development and will leave the western side of the Tucker's home and most of their garden in permanent shadow. The approximate outline of the ground floor wallplate, and the ridge level of the Tucker's home are shown in image 6.9.

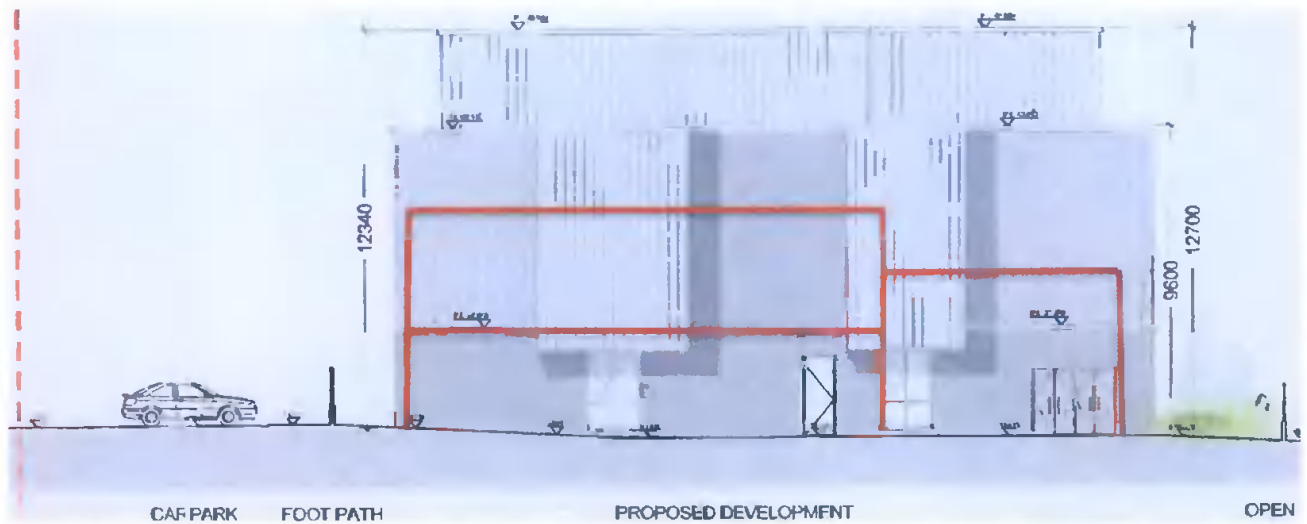


Image 6.9 Side elevation of the proposed development when viewed from Tuckers, 2m from boundary

Image 6.10 demonstrates how close that the proposed building will be to the Tucker's boundary which is indicated by the blue circle below and the red line reflects the boundary line in images 6.7 and 6.8 above.



Image 6.10 Tucker property located immediately to the east of the proposed 4 storey building

The key concerns arising in respect of the proposed structure have already been addressed in the recent applications cited above, namely planning reg. ref's. SD19A/0297 (PL06S.306121) and SD21B/0064 and can be adapted for the homes of the impacted residents as follows: -

- A four-storey apartment building, would be incongruous in terms of its design, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area
- It is considered that the close proximity to the neighbouring dwelling to the east may cause undue overshadowing and have a negative impact on the privacy of No's 21 and 23 Ardeevin Drive
- Having regard to the height and depth of the proposed development along the boundaries with No.21 and 23 Ardeevin Drive, it is considered that the proposed development may be significantly injurious to the amenities of both properties, from loss of light and privacy.
- The proposed development would reduce the amount of light and privacy to the habitable room windows of the ground floors of both No 21 and 23 Ardeevin Drive.
- It is considered that the height and scale of the proposed development would appear unbalanced when viewed from the Ardeevin Drive. Thus, the proposal would contravene the zoning objective which seeks 'To protect and/or improve Residential Amenity' under the South Dublin County Council Development Plan 2016-2022.
- Having regard to the substantial depth of the proposed 4 storey structure that projects beyond the rear building line of No's 21 and 23 Ardeevin and it is considered that the overall length of the structure would render it visually obtrusive and impact negatively on the amenities of the properties at No.21 and 23 Ardeevin Drive
- The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and would, therefore, be contrary to the proper planning and sustainable development of the area.

7.0 Impact on No's 18, 20, 22 and 24 Ardeevin Drive

As well as having a negative impact on the Fitzgerald and Tucker homes at No's 21 and 23 Ardeevin Drive, the view of mature trees that is enjoyed by the occupants of house No's 18 to 24 on the southern side of Ardeevin Drive will be entirely removed and replaced by the proposed four storey structure that is evident in image 7.1. The four-storey building will tower above and directly overlook the four no two storey houses and will significantly affect the level of privacy at the front of the houses including at the first-floor habitable rooms

which heretofore have enjoyed complete privacy but will be directly overlooked by the second and third floor level windows and balconies of the proposed development.

As no floor plans are available online it has not been possible to determine if the overlooking rooms are habitable, but as a south facing facade they likely are habitable rooms.



Image 7.1 4 storey building will overlook houses on southern side of Ardeevin Drive

Image 7.1 above provides an angled artists impression of the view that will exist from the houses on the southern side of Ardeevin Drive, it gives an incorrect impression that there is a significant area of hard surface between the proposed south facing four storey apartments and the front of No's 18-24 Ardeevin Drive and this will be evident from an inspection of the site. The proximity of the buildings is evident in images 7.2 to 7.5 below which are taken at ground floor level from the front of no's 18-22 Ardeevin Drive, while image 7.6 is taken from the first-floor level of No 22 Ardeevin Drive.

It is considered that the proposed four storey building will be significantly closer to the opposing houses than what is shown in image 7.1 above, which as would be expected will show the most favorable view that is available to the applicant. The impact must however be considered from the worst-case view which would be directly from the upper floors of the proposed south facing facade of the structure at a distance of c32m. As a south facing facade this side of the building will be frequently used by occupants increasing the tendency to overlook No's 18-24 Ardeevin Drive thereby significantly reducing the long-established privacy that they have enjoyed and depreciating the value of all four properties.



Image 7.2

Current view from front of No 18 Ardeevin Drive

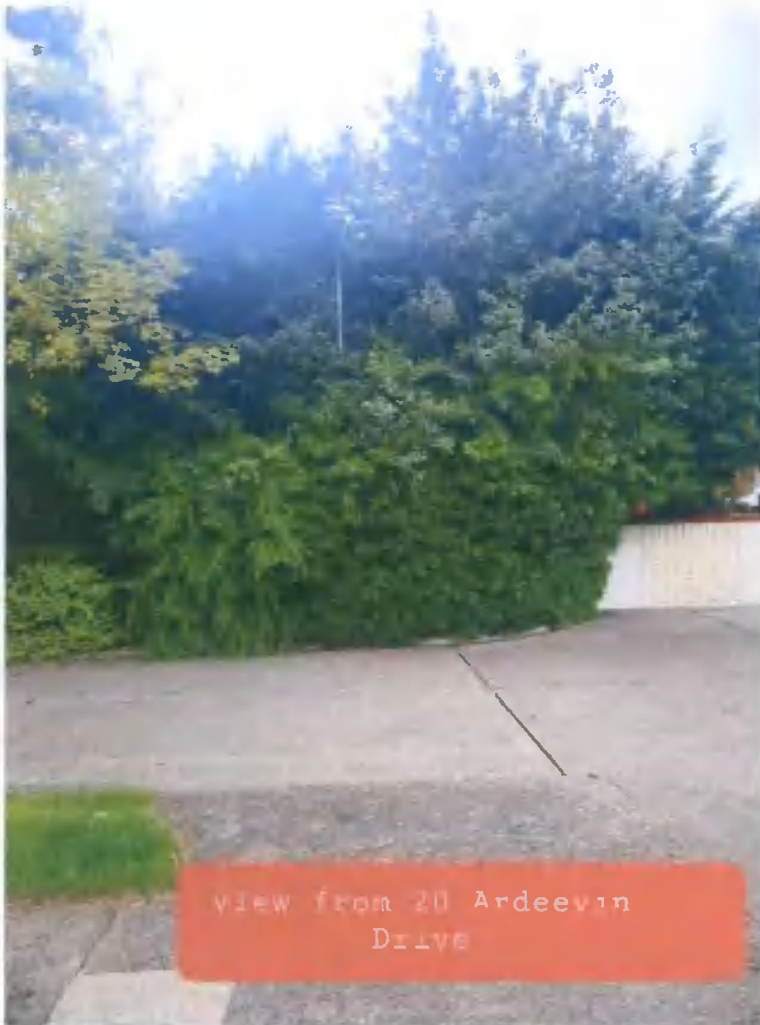


Image 7.3

View from No 20 Ardeevin Drive



Image 7.4

View from No 22 Ardeevin Drive



Image 7.5 View from No 24 Ardeevin Drive



Image 7.6 Current view from first floor of No 22 Ardeevin Drive towards proposed 4 storey building

8.0 Density and Overdevelopment

The site area is stated to be 0.168ha, while the proposal is for 14 apartments, giving a proposed density of 83.33 units per hectare, compared to 73 units per hectare in the application which was refused permission under planning reg. ref. SD19A/0297 (PL065.306121). In reviewing a proposed development that is submitted for planning permission, the designers of a development are governed by the site itself and its immediate context and the numerous and frequently changing national guidelines, as well as regional, county and settlement specific policies, objectives and development management standards, many of which are competing and conflicting, and turn the art of design into a difficult and technical task.

One such recent change has come in the form of Circular Letter: NRUP 02/2021 which was issued on 21st April 2021 by the Department of Housing, Local Government and Heritage, and addresses: -

Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).

A perception has developed in recent years that because of the Strategic Housing Development legislation and the relaxation of building height via Ministerial Guidelines that anything goes in terms of development and applicants for permission, whose main and understandable goal is profit, often overlook the existing environment in which they are attempting to helicopter developments into inappropriate spaces, such as is happening in this instance, where a totally inappropriate four storey development is being attempted to be fitted into the car park of a pub where bungalows are located on either side.

The April 2021 circular was addressed to both the Local Authorities and An Bord Pleanála and is a welcomed intervention that demonstrated what developers have been aware of for some time, in that one solution does not fit all settlements or sites and that each site needs flexibility, in order to achieve what is an appropriate level of development. Specifically, it stated: -

A key shared outcome of the NPF and NDP is the compact growth of cities and towns of all sizes so as to add value and create more attractive places in which people can live and work. The preferred approach is to focus on greater reuse of previously developed 'brownfield' land, consolidating infill sites, which may not have been built on before, and the development of sites in locations that are better serviced by existing facilities and public transport.

The above statement supports the development of infill sites such as the current application site but also states that: -

The NPF also acknowledges that there is a need for more proportionate and tailored approaches to residential development. This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village.

The Circular also states that: -

While the Sustainable Residential Development Guidelines clearly encourage net densities in the 35-50 dwellings per hectare range within cities and larger towns, net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts and net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations.

Section 6.0 of the Sustainable Residential Development also notes the difficulty in applying prescriptive density standards in locations that display a variety of contexts and land uses, such as those that can be found in towns and villages that have evolved organically over hundreds of years. The guidance cautions against large scale, rapid development that may overwhelm and detract from the quintessential character of towns and villages that have developed slowly and organically over time (refer to Section 6.3). There is already clear scope for greater variation in density, but this should not lead to provision for disproportionate development in such places through excessive zoning.

With all of the above in mind and taking the previous refusal reason on the adjacent site as a starting point, including the need to provide adequate amenity and parking for residents among other elements of the development, the proposed density of 83.33 units per hectare is significantly in excess of a sustainable or recommended density for infill developments as it will be out of character with the existing built environment and will significantly affect the amenities of neighbouring properties, which do not seem to have been a component of the design considerations for this proposal.

The development must be refused for being an over development of the site and being out of character and scale with the neighbouring properties, which are protected under the land use zoning and other provisions of the County Development Plan.

The guidelines referred to above are the latest in a long line of policy efforts from Government and Ministerial level to increase density through initiatives such as the National Planning Framework, which seeks to increase the amount of brownfield redevelopment in urban areas, as well as increasing maximum permissible building heights at appropriate locations. There is a place for everything and in this instance the densification of a single site by developing a 4 storey apartment block in an areas of single and two storey houses is not the place to start.

There are many examples of planned higher density developments in the vicinity, such as at Adamstown and Shackleton, which are both within a short distance of this site and the time may come when entire housing developments such as Ardeevin are redeveloped. However, piecemeal and uncoordinated developer led projects such as this one and that refused on an adjacent site under SD19A/0297 (PL06S.306121) is not the way to go and is yet another example of what is wrong with planning. Just because this site is at the edge of the Ardeevin, will not make its impact any less corrosive on the amenities of adjacent houses than if it was elsewhere in the area. Once a development of this scale is permitted it will set a precedent for other speculative developers to seek to do similar. As stated above, such development can only happen in a coordinated and planned manner and should be led by the local authority, not individual site owners.

Following on from the above, the County Development Plan sets out the areas that are suitable for redevelopment and Section 0.3.20 *Local Area Plans, Studies and Strategies* provides that: -

Local Area Plans and approved plans are prepared by the Council for new development areas and for older areas if required. They set out in greater detail the Council's requirements for new development, including such factors as density, layout and design requirements, public transport and road infrastructure, community facilities, open space and recreational facilities. Plans have been prepared for the following:

Tallaght Town Centre, Liffey Valley Town Centre, Fortunestown/Garters Lane, Ballyboden, Killinarden-Kiltipper, Ballycullen-Oldcourt, Newcastle, Rathcoole, Newcastle North, Saggart, Grange Castle, Cooldown Commons, Tootenhill.

The Ball Alley carpark in a suburb of Lucan village is not one of those places and its character must be protected for the betterment of all residents and the common good.

Section 0.2.1 *A Living Place* of the Core Strategy of the Development Plan states that: -

With respect to residential development future expansion will be based on the foundation of the promotion of choice, both in tenure and dwelling type, linked with density appropriate to location and residential amenity.

Policy TDL:31 New Development in Villages states that: -

It is the policy of the Council that all new development in the historic and rural villages of South Dublin County should be of high quality design and layout and to an appropriate scale and density, that will ensure a high standard of residential amenity

The standard of residential amenity must apply to both the existing as well as the future residents and in this instance the proposed density at c83.33 units per hectare is inconsistent with the prevailing density in the area and is not appropriate for this mature suburban/edge of village setting.

8.1 Protection of Residential Amenity in Existing Areas

As a consequence of a high density and overdevelopment, the proposed development would also be contrary to the provisions of Section 1.2.17 '*Protection of Residential Amenity in Existing Areas*' of the development Plan as it will have a significant negative impact on the residential amenities of the adjacent houses described in Section 7 above. Section 1.2.1 states that: -

In order to protect residential amenity, the zoning objectives for residential areas are framed so as to exclude noncompatible uses. In addition, the standards set out in the Plan seek to ensure that any new

development in existing residential areas (e.g. extensions, additional houses in side gardens, etc.) would have a minimal impact on residential amenity.

The impact of the proposed development will be significant and not minimal.

8.2 County Development Plan

In addition to the matters referred to above, there are a number of other aspects of the Development Plan that will be breached by the proposed development and warrant the issuing of a refusal of permission.

Section 0.5.1 'Land Use Zoning' states that: -

Land use zonings...are intended as guidelines in assessing the acceptability or otherwise of development proposals. However, they relate only to land-use. Factors such as density, height, massing, traffic generation, public health, landscape character and features, design criteria, visual amenity and potential nuisance by way of noise, odour and pollution are also of significance. These are important in establishing whether or not a development proposal conforms to the proper planning and sustainable development of an area.

The Development Plan also talks about transitional areas and while this is not strictly a transitional area the principles thereof are relevant wherein it states at Section 0.5.2 that: -

It is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones....in zones abutting residential areas or abutting residential development with in mixed use zoned, particular attention must be paid to the use, design, scale and density or development proposals in order to protect the amenities of these residential properties.

The transition from single storey houses with attic accommodation to a four-storey apartment block is not consistent with the above principle.

An Objective of the Development Plan that is relevant and is considered will be breached by the proposed development is in respect of 'Infill Development': -

HCL5 Objective 4:

To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.

As has been demonstrated in the earlier sections, it is considered that the proposed development is not sympathetic to the architectural interest, character or visual amenity of the area and this is clearly evident in the height differential between the existing neighbouring houses and the proposed building.

9.0 Land Ownership

The site outlined in red incorporates part of the grass verge of Ardeevin Drive as shown in images 9.1 and 9.2 (by a red line). The applicant has stated that he is the owner of the site but according to the observers, the area measuring c3m on the southern side of the boundary wall of Ardeevin Drive, that is within the red lined site boundary, has always been part of the Ardeevin development. Therefore, the applicant should be required to provide land registry evidence that they are the owner of the strip of land that is necessary to give effect to the development, including the provision of a number of parking spaces that would be accessed via Ardeevin Drive.

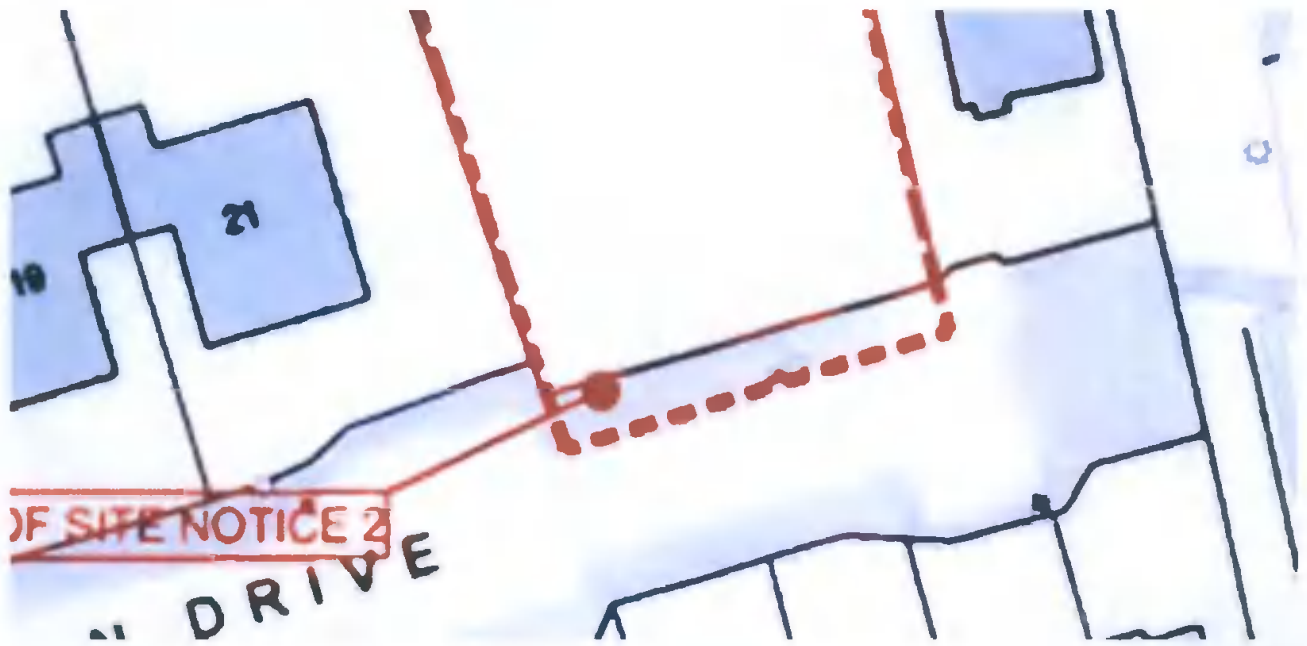


Image 9.1

Extract from site location map showing area outside of boundary wall



Image 9.2

Area claimed to be in ownership of applicant but part of Ardeevin Drive

10.0 Parking

There is inconsistency between the Site Layout Plan and the Landscaping Plan in respect of the number of car parking spaces to be provided on the Ardeevin Drive side of the site. The Site Layout Plan (image 10.1) and auto track drawings show that there will be 6 parking spaces while the landscaping plan indicates that there will be only 4 spaces.

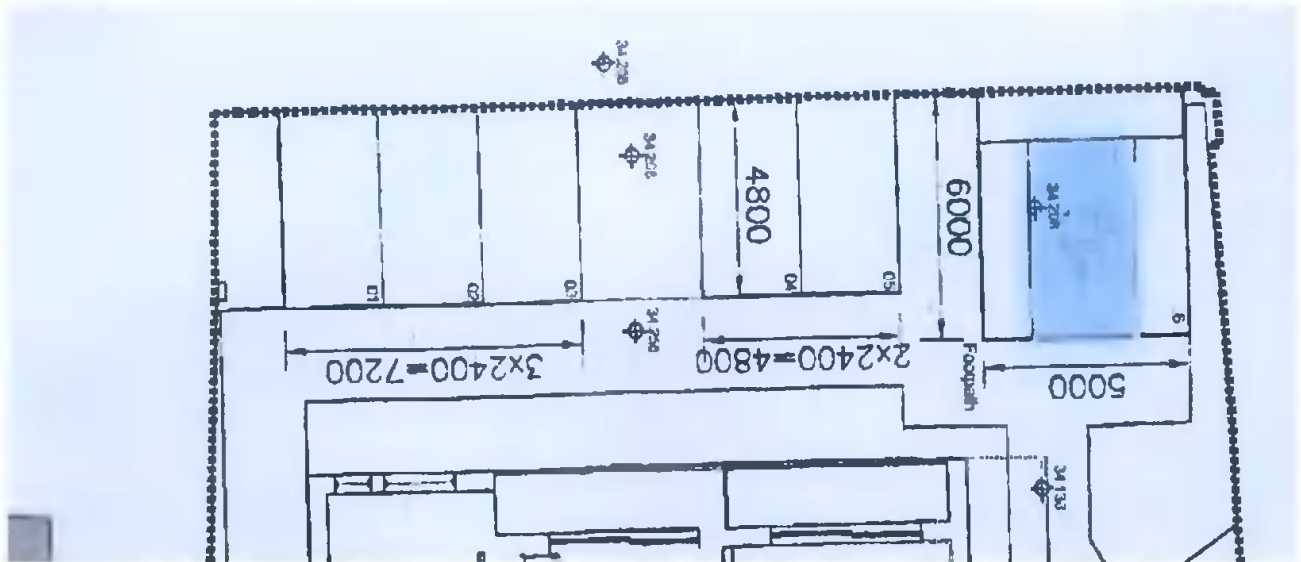


Image 10.1 Extract from Access and Parking layout showing 6 parking spaces on Ardeevin Drive

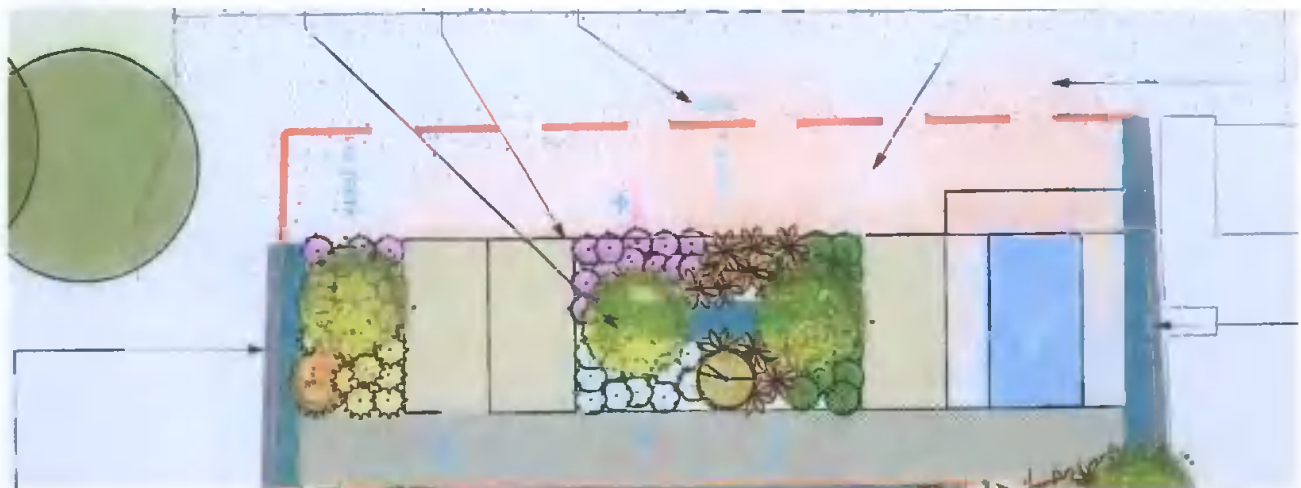


Image 10.2 Landscaping plan showing 4 parking spaces rather than 6 and a footpath

In addition to the inconsistency regarding parking spaces, image 10.2 also indicates that there will be a footpath located between the parking spaces and the road surface, which is the area marked by the broken red line in image 10.2 above. No details have been provided in respect of the proposed footpath and this is a concern particularly for the Tucker family as the area that is proposed to be a footpath, has firstly not been confirmed as being in the ownership of the applicant, but would, if constructed, severely restrict if not make it impossible to gain access to No 23 Ardeevin as the access arrangement would be significantly altered. This lack of thought or consideration adds to the concerns of the Tucker's and other observers.

Image 10.3 highlights the affected area that is to be covered with a footpath of unknown specification or detail.



Image 10.3 Area in front of No 23 Ardeevin where a footpath is to be built

11.0 Traffic on Ardeevin Drive

Following from the specific impact of the parking area on No 23 Ardeevin Drive, 25 houses and a nursing home access and egress via Ardeevin Drive and due to the limited quantity of on-site parking, many residents and visitors to the nursing home park on either side of the access road, including adjacent to the location where it is proposed to install another 4 or possible 6 parking spaces, while emergency vehicles and waste collection trucks frequently have difficulty accessing the eastern end of the cul-de-sac due to vehicles parking in an ad-hoc manner on both sides of the road.

The proposed development will exacerbate the situation by introducing additional cars into Ardeevin Drive with no means of controlling how residents or visitors to the proposed development will park on the proposed parking spaces which will displace existing informal parking spaces.

There are genuine concerns that the proposed development will lead to obstruction of the existing road users and residents of Ardeevin Drive and that the matter has not been adequately addressed in the application documentation.

12.0 Conclusion

Having considered the scale, mass and height of the proposed development vis-a-vis the existing housing stock in the immediate vicinity including the houses at 18, 20, 21, 22, 23 and 24 Ardeevin Drive, it is considered that the proposal to develop a high density four storey block of apartments adjacent to bungalows with attic accommodation and opposite two storey houses represents a very poor example of how an urban area could

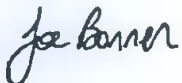
or should be redeveloped in accordance with prevailing national policy. Such redevelopment proposals should only happen in a planned and coordinated manner and should be Development Plan led rather than developer led on isolated sites as is proposed in respect of this application.

Having assessed the plans and documents submitted with the application it is considered that the proposed development is an overdevelopment of a confined site as is evidenced by the height difference, lack of consideration for the amenities of existing neighbours and the inevitable devaluation of the neighbouring residential properties.

The clear threat to the privacy and amenity and the consequent potential loss in the value of the adjacent homes cannot be overstated and as per the precedent decision of South Dublin County Council and An Bord Pleanala in respect of a similar 3 storey proposal at 1 Ardeevin in 2020. The residential amenity of existing homes must be a key consideration in the assessment of this application and ultimately, while some proposals may be capable of being amended by way of a request for further information, this is not one of those cases as there are so many breaches of Development Plan Policies, Objectives and Development management Standards in this case that the only decision that can be issued is a refusal of permission.

We trust that the matters raised in this submission will be fully considered by the Planning Authority and we look forward to the receipt of a decision in due course.

Yours sincerely,



Joe Bonner



Land Use, Planning & Transportation Department
Telephone: 01 414 9000

Fax: 01 414 9104

An Rannóg Talamhúsáide, Pleanála agus Iompair
Email: planningsubmissions@sdbublincoco.ie

Joe Bonner, Town Planning Consultant
The Airport Hub
Unit 1, Furry Park
Old Swords Road
Santry
Dublin 9
D09 W5YV

Date: 04-Aug-2021

Dear Sir/Madam,

Register Ref: SD21A/0179
Development: Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments, all with associated private open spaces areas in the form of balconies; access to the development from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive; all with associated landscaped courtyard at ground floor level, sedum roof (main roof), bicycle storage, bin storage, signage, associated drainage and site development works (Protected Structure RPS No. 094).
Location: Ball Alley House, Leixlip Road, Lucan, Co. Dublin
Applicant: Gerry Teague
Application Type: Permission
Date Rec'd: 01-Jul-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdbublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, www.sdbublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "Notify me of changes" and click on "Subscribe". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Crowley