

# **GROUNDS OF OBSERVATION**

**PLANNING AUTHORITY:  
SOUTH DUBLIN COUNTY COUNCIL**

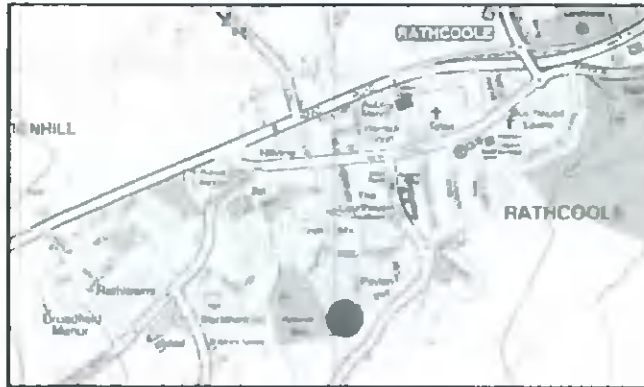
**PLANNING APPLICATION REF. NO. SD21A/0277**

**PROPOSED DEVELOPMENT  
AT PEYTON VIEW,  
PEYTON, RATHCOOLE,  
COUNTY DUBLIN**

**NOVEMBER 2021**

**1. CONTEXT**

This observation concerns an application site located at the southern edge of Rathcoole. It is part of a mature housing estate called Peyton. The site is situated at the south-west end of Peyton View.



The aerial view below illustrates the site context at Peyton View. It comprises public open space serving the adjoining family homes that were constructed in 2014.



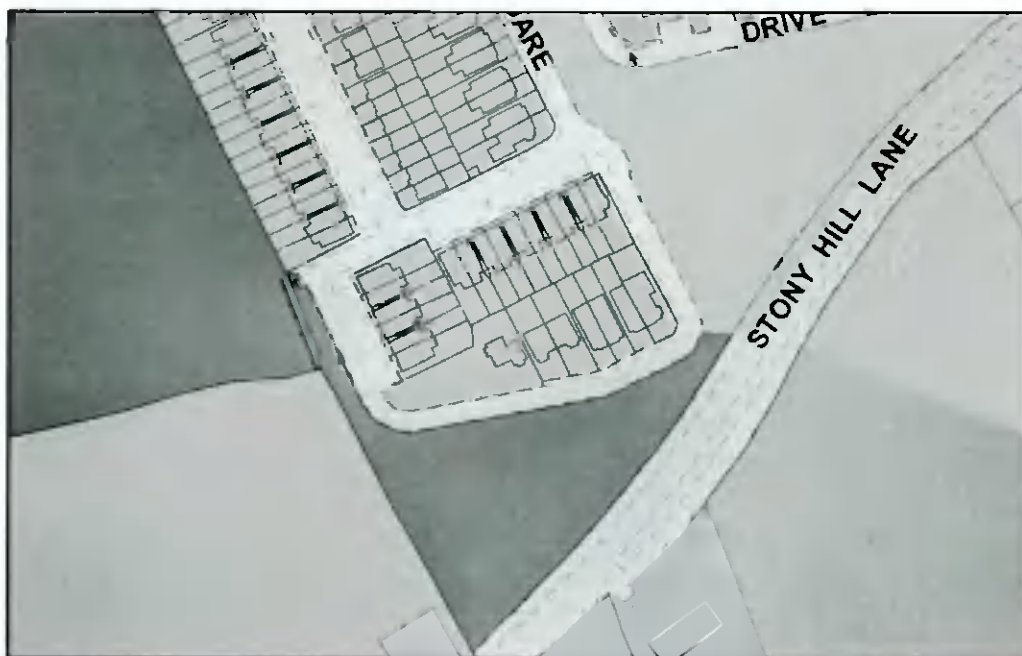
## 2. PROPOSAL

It is intended to construct a detached house on the parcel of public open space. The lodged drawings show a two storey house in a tight and cramped configuration. In light of the restricted space available the proposed house would be pushed out to the front. There would be no rear garden and the only open space would be squeezed into the side.

This proposal would be a serious departure from the founding permission for Peyton View (see below) and it would have a very damaging impact on the amenities of adjoining family homes, in particular no.7 Peyton View. For that reason I ask the Council to refuse permission.

### **3. DEVELOPMENT PLAN**

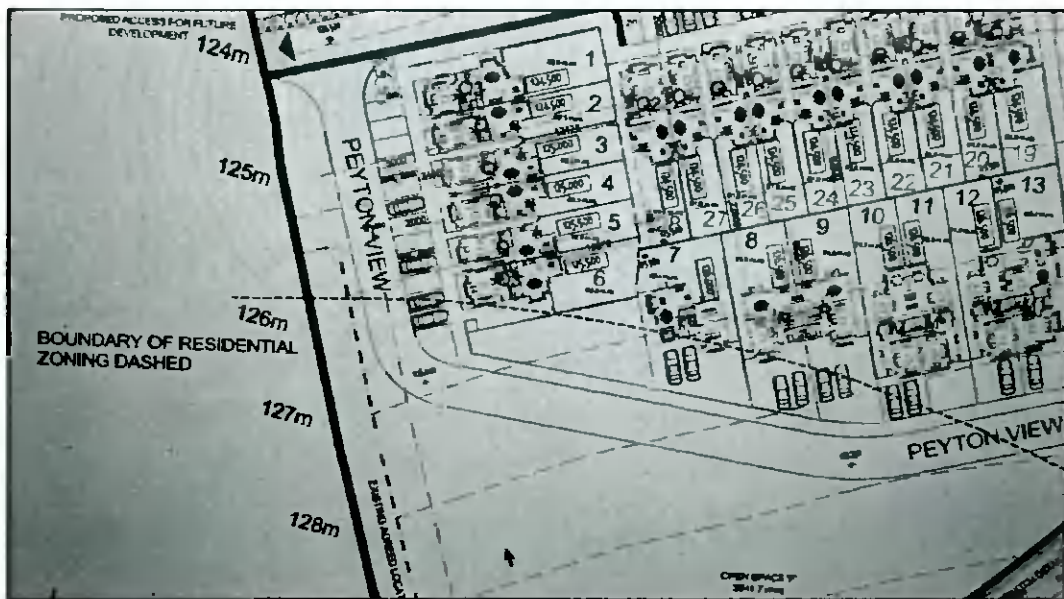
In the South Dublin Development Plan these lands are included in the RES zone where the stated objective of the Council is to protect and /or improve residential amenity. At Peyton View the houses concerned are south and west-facing. They address an area zoned OS where the objective is to preserve and provide for open space and recreational amenities.



### **4. PLANNING CONCERNS**

#### 4.1 PLANNING HISTORY

4.1.1 Almost a decade ago South Dublin County Council granted planning permission (ref. no.SD12A/0238) for the construction of these houses at Peyton View. In that application the parcel of land now intended for a house was shown as open space. One reason for that was that the parcel in question was outside the residential zone. It was zoned for open space use and the zone boundary was indicated by a dashed line on the lodged plans.

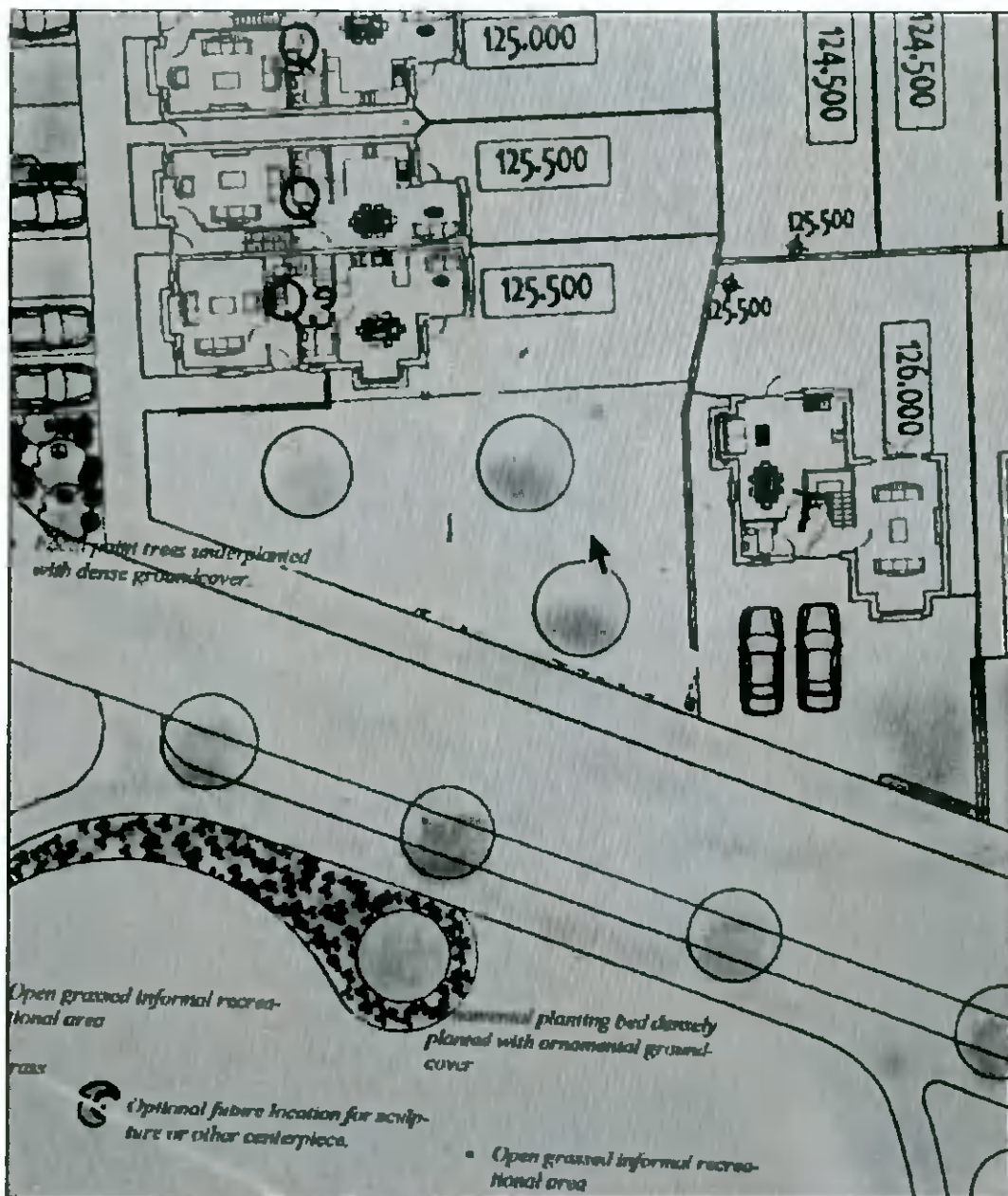


4.1.2 The Council planner's report dated 19<sup>th</sup> December 2012 required all housing construction to be within the zoning boundary line as then shown in the development plan. The further information response, received by the Council on 3rd March 2013, showed the southwest corner of the site entirely given over to public open space and gardens.

I note the report of the Council's Parks Department in that case where it found the layout very unsatisfactory:

*There has been no overall comprehensive approach for the open spaces in Peyton generally. This final open space is located to the southern end of the site and those physically cut off from the rest of the open spaces and the development generally, despite having a pedestrian access through the southern boundary to Stoney Park Road. The landscape plan does not offer an appropriate treatment of the open space. For*

instance, in such a small space ornamental planting is not an appropriate proposal. In addition, the houses to the southwestern end of the site, Q3 and the adjacent properties, are siding onto the open space. Although the end of row house has a side entrance and a number of windows overlooking the open space, houses should realistically front onto the open space, particularly ones such as this, located in a 'corner' of the site. which can and do attract anti-social activity.



4.1.3 The Council requested additional information, inter alia, requesting that parking and other elements be repositioned outside the open space zone. The applicant's

response, received by the Council on 3rd March 2013, included a Master Landscape Plan showing that corner of the estate entirely given over to public open space. It included what was described as a Focal-point Specimen Tree. It was called 'open ground informal recreation area'.

4.1.4 When the Council issued its decision to grant permission Condition no.1(a) stated:

*The development shall be carried out in its entirety in accordance with the plans, particulars on specifications lodged with the application, as amended by significant further information received on 6th March 2013, save as may be required by the other conditions attached here too.*

*Reason: To ensure that the development shall be in accordance with the permission and in the interests of clarity.*

4.1.5 Later on, the developer lodged what were described as compliance drawings (ref.SD12A/0238/C3-1). They were dated May 2013. The compliance submission showed the open space at this corner unchanged (drawing no.1206CD03). Of course, that was to be expected as it was circumscribed by the previous public notices including that of 5<sup>th</sup> March 2012.

4.1.6 I note there was a submission some years later in regard to compliance. That included the drawing entitled Overall Landscape Plan (dated 11<sup>th</sup> December 2017).



That confirmed and put beyond doubt the details submitted previously regarding the subject site and its function as public open space.

4.1.7 In my opinion, that planning history shows the subject site has served as public open space right from the beginning. That is the established use.

Families at Peyton View purchased their homes on the basis that this open space was an integral part of the estate. In my opinion it is reasonable for the families to expect the Council will now vindicate that interpretation and protect their established amenity.

In making this point I also stress how the proposal would impinge on neighbors who have installed west-facing solar roof panels. Those initiatives support

sustainability at the community level and those enterprising households deserve support now.

4.1.8 I invite the Council to consider why the applicant is laying claim to this site at this time and, in addition, to consider why that parcel of land was not taken into Council ownership/control after the houses were constructed. We also invite the Council to consider the extent to which the current state of the open space complies with the layout drawing lodged by the developer.

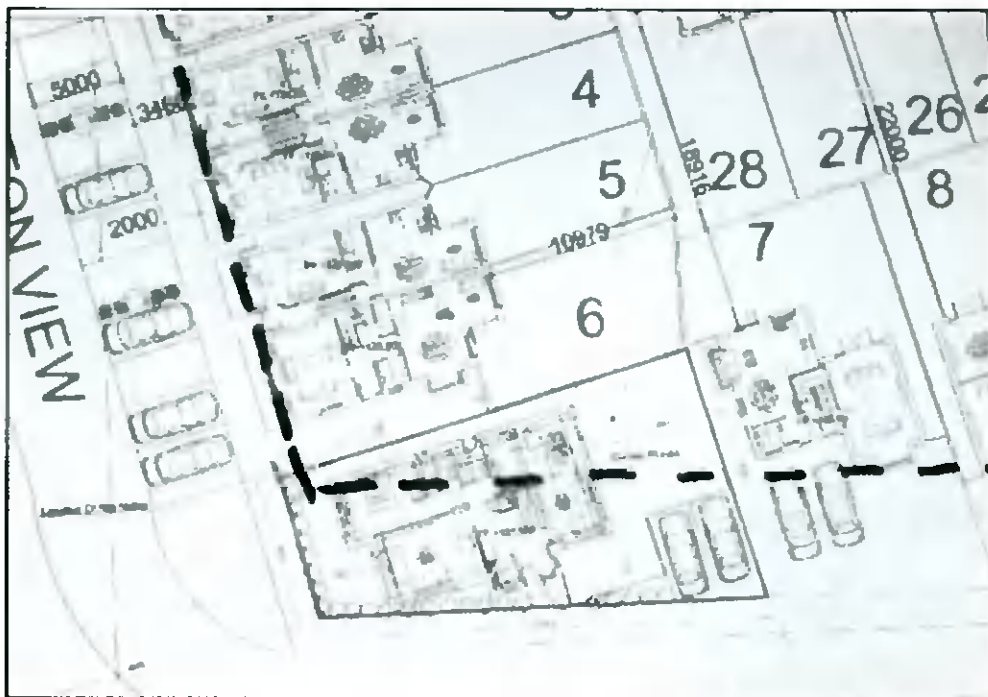


## 4.2 INCONSISTANT LAYOUT



I note that the houses at numbers 7/8/9 Peyton View have a setback of 7 meters approx. The current proposal shows no setback for the proposed house at the place where it counts most, i.e. on that southwest frontage where traffic sight lines are restricted.

I have shown the established building line below (broken black line). As can be seen the layout would observe the building line on the west frontage, beside nos. 1-6 Peyton View. However, on the south side, alongside our client's home, there would be a serious breach of the building line.



In fact, there would hardly be any set back on that south frontage. As a result, the proposed layout and the corner position of the site would render the proposed house very intrusive and out of keeping. I see no justification for this abrupt change as all the Peyton View houses deserve equal attention. In my opinion there would be material contravention of the Development Plan objective to protect residential amenity.

As I have stated above here would be no rear garden and the only open space would be squeezed into the side. Even then, I believe the garden area would be less than the minimum open space required by the Council for a house such as this.

#### **4.3 IMPACT ON NO.7 PEYTON VIEW**

I note the compliance submission received by the Council on 18th June 2013. In that letter, dated 13th June, the applicant's architect stated, inter alia:

*Bearing in mind that house no.7 Peyton View has been designed as a dual frontage house, the side facade was intended to overlook open space and with this in mind we would suggest that the triangular space created by the alignment of the road and the proposed boundary of house no.6 should remain as open space to provide an open aspect to the side elevation of house no.7.*

Thus, the Council's planning register reveals how the developer's architect acknowledged the essential elements of the estate layout for this corner and the impact they would have on family home at *no.7 Peyton View*. I invite the Council to find that concession is critical to the current assessment.

That impact interpretation still applies to *no.7* and the Council's objective for the RES zone requires that permission be refused because of the excessive burden that would be placed on family living at *no.7 Peyton View*.

#### **4.4 APPLICATION ERRORS**

The drawing that includes Streetscape A-A shows two houses numbered 8 Peyton View. One of them, on the left in the drawing, is no. 7, the home of the observer. In light of the case I'm making now, that is serious error. In those circumstances I feel there is a serious risk of misinterpretation since it is that house that would bear the greatest burden from the proposal.

## **5 CONCLUSION**

I request the Council to confirm the decisions it has consistently made in regard to this site forming an established public open space at Peyton View. In making this request I note that there are still estate works unfinished by the developer since the houses were constructed in 2014. In that regard I note the powers the Council has under Section 35 of the Planning and Development Act 2000, as amended.

I request that permission be refused for the reasons set out below.

- 1 The proposed house would occupy public open space serving the Peyton housing estate. Consequently, the proposed development would result in fragmentation of open space, seriously diminishing its value for active recreational purposes. Since no alternative open space provision has been indicated it is considered that the proposal would be contrary to the proper planning and sustainable development of the area and seriously injurious to the residential amenities thereof.
- 2 The proposed development would be seriously injurious to the amenities of adjoining residential property by reason of:
  - (a) its incongruous situation and design, and,
  - (b) contravention of the established building line.
- 3 Condition no.1 of planning permission ref. SD12A/0238 requires the subject plot of land to serve as public open space. That was confirmed by compliance drawings lodged under ref.SD12A/0238/C3-1. The proposed development would constitute a material contravention of planning permission ref. SD12A/0238.

**An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department**

**Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdublincoco.ie](mailto:planning.dept@sdublincoco.ie)**

**Szymon Urbas  
10, Peyton View  
Rathcoole  
Co. Dublin.**

**Date: 08-Nov-2021**

Dear Sir/Madam,

**Register Ref:** SD21A/0277  
**Development:** Construction of a new 4 bedroom, detached dormer bungalow; all ancillary site development works.  
**Location:** Peyton View, Peyton, Rathcoole, Co. Dublin  
**Applicant:** Stanley Residential DAC  
**Application Type:** Permission  
**Date Rec'd:** 08-Oct-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.sdublincoco.ie](http://www.sdublincoco.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.sdublincoco.ie](http://www.sdublincoco.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. Furney  
for Senior Planner