



## Observer's details

### 1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

(a) Observer's name

Helen Griscti

(b) Observer's postal address

9 Prospect Heath  
Rathfarnham  
D16 E3X4

## Agent's details

### 2. Agent's details (if applicable)

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's postal address

Not applicable



## Postal address for letters

3. During the process to decide the application, we will post information and items to you **or** to your agent. For this **current application**, who should we write to? (Please tick ✓ one box only)

**You (the observer) at the postal address in Part 1**

**The agent at the postal address in Part 2**

## Details about the proposed development

4. Please provide details about the **current application** you wish to make an observation on.

- (a) **An Bord Pleanála case number for the current application (if available)**  
(for example: 300000)

311616

- (b) **Name or description of proposed development**

MacCabe Durney Barnes Ltd.

- (c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Stocking Lane, Ballyboden, Dublin 16

## Observation details

### 5. Grounds

Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below. There is **no word** limit as the box expands to fit what you write. You can also insert photographs or images in this box.

(See part 6 – Supporting materials for more information.)

I reside at 9 Prospect Heath, adjacent to the property proposed for the building of the housing development of 131 units on Stocking Lane (An Bord Pleanála case number TA06S.311616). I would like to lodge the following observations/objections on behalf of myself and my children, as interested parties who are directly impacted by the proposed development that does not protect or improve our residential amenity for the following reasons:

#### **A. Distance/proximity to 9 Prospect Heath:**

Section 11.2.7 of the SDCC Development Plan states – “ *The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.*”

The proposed plan shows Block H is a **three storey building 4.2m away** from the boundary wall (as per Site Layout drawing No.2183-12-A submitted by applicant), adjacent to 9 Prospect Heath at a separation distance that falls very short of the 35m requirement cited above. **The proposed plan therefore completely contravenes the above objectives of the Development Plan.** Other blocks (specifically Blocks J and K) in the proposed development also contravene the Development plan in a similar way.

**The proposed plan is identical to the one in the previous application. It should be noted that the previous application was refused by An Bord Pleanála exactly on these grounds:**

“Having regard to the provisions of the South Dublin County Development Plan 2016-2022, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with Section 11.2.7” as cited above. No alternative plans for adequate distancing from existing housing

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were introduced in the new application to satisfy An Bord Pleanála's refusal. This proposal should therefore be refused on similar grounds.

### **B. Privacy/overlooking impact on 9 Prospect Heath:**

I am very concerned about the privacy issue that Block H will impose on 9 Prospect Heath. The close proximity of the building, 4.2m away from the boundary wall will undoubtedly interfere with the reasonable enjoyment of, and private freedoms attached to my family's private property and residential amenities. The proposed plan shows units in Block H with balconies that may overlook the side of our house and our front & rear private garden. The South elevation drawing (ref. Drw. No.2183-112-A, Block H Plans/elev/sect as submitted by applicant) shows a window of unknown dimensions directly facing the side of our house. It is unclear at what height this window is from the ground. This window poses an issue of direct overlooking into our home that will impact our privacy.

### **C. Noise**

1. There will also be a noise issue both due to the close proximity of block H to our house and due to an even higher population density than the average cited by the proposal in this particular area of the development. **The noise level will constitute a nuisance by interfering with the reasonable enjoyment of our private property.**

2. Noise during construction phase: Please also note that most people now work/study from home and therefore the noise during the lengthy period of construction in such close proximity will greatly affect our amenity.

**A plan which respects the distance of 35m and an alternatively less dense proposal would alleviate these problems.**

### **D. Appearance and building context**

Section 11.11.1 (iv) of the Development Plan states: *“Transitional Areas: Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and*

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*density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.”*

The objective of zoning is to protect and enhance the residential amenity. The 3 and 4- storey-block building types on the periphery of the proposed site do not agree with the neighbouring estates` housing units (2-storey semidetached and detached houses in both Prospect Manor and Springvale) . The 3 and 4-storey blocks on the western edge bordering Stocking Lane do not fit in with the context of the neighbouring estates on the North, East and South side. Nor do they visually correspond with the line of houses on the opposite side of Stocking Lane in the new estate of Scholarstown Wood. The abrupt transition to the existing building fabric will also result in an aesthetic imbalance. Therefore, this proposal **does not respect the surrounding context and goes against the development plan.**

### **E. Overbearing nature of the development /Scale of proposal:**

The proposed structure would result in a significant overbearing impact when viewed from our private gardens at the front and rear of our property. This would seriously impact on our visual and residential amenity. **The proximity of the proposed development overwhelms our home and grievously damages our residential amenity.**

### **F. Shadowing impact:**

Section 2.1.2 of the Response to Opinion document ( ABP ref. 310111-21) submitted by the applicant states “ the proposed development would not cause an unacceptable overshadowing impact on the neighbouring *rear garden spaces*” (my italics).

It should be noted that it is the side of our house as well as our front and rear garden spaces at 9 Prospect Heath that is adjacent to Block H in the proposed development. Due to our position at the end of the cul-de-sac at Prospect Heath our house would be much closer to the periphery of the proposed development and especially to the 3-storey Block H. As a result there will be a shadowing impact and a decrease of natural light in the rooms on the side of our house and front and back gardens . **Section 4-5 of the Daylight Analysis and Overshadowing report do not take into consideration the side of our house and front garden that are more vulnerable to overshadowing than all the other areas on the**

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**boundary. The calculations carried out in the report do not reflect the reality of our particular position. This proposed plan is therefore detrimental to our residential amenity and against Section 11.1.1 of the Development Plan as quoted above.**

### **G. Security:**

The development poses security problems with the likelihood that the space between the walls separating the two estates on the southern border with Prospect Manor becoming an area for anti-social behaviour. The open areas and play areas in the proposal may also pose opportunities for anti-social behaviour.

The proposed connection at the South-West corner (reproduced in diagram 1) would also increase the footfall into Prospect Manor around our house. This will lead to an increased level of noise and potential nuisance. The potential for loitering and anti-social behaviour at night time in this area will also increase. It has already been noted in a previous observation to a planning application to SDCC by the applicant (PLOB SD18A/0225), that unfortunately the increased footfall would result in more dumping of waste: plastic bottles, wrappers and cans into our front garden at the footpath. No solutions to minimise these problems (such as the provision of bins by SDCC and by the applicant in the common grounds of the proposed development) have been included in the proposed application.

### **H. Consent requested by the applicant regarding the pedestrian crossing to the South on Stocking Lane:**

Reference is made to the SDCC Grant of Consent document submitted by the applicant. It is to be noted that the section in the South-West corner (reproduced hereunder as diagram 1) is part of the property shown on plan and Folio Number DN173689F (reproduced hereunder as diagram 2). Permission and consent should be sought from the rightful owner. The owner of this property was not informed of the proposed inclusion of the land in the planning application

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### **I. Population Density:**

Statutory planning guidelines on sustainable residential development suggests a population density of 35 to 50 dwellings per hectare . Data provided by the applicant shows that on a per hectare rate the density of the proposed development is even higher than the new one at Scholarstown Wood (54.3units as against 36.6). A total of 131 residential units is proposed for this development site on 2.47 hectares . Therefore the suggested range for this site would be between 86.45 to 123.5 units. The proposal contains 131 units that is above the upper limit . As this site is a development on a country road , over 3 kilometres from a main town centre and not on a quality public transport corridor the maximum number of units for this site should be towards the lower end of the suggested range. **The proposed plan therefore shows an overdevelopment of the site.**

### **J. Part V Accommodation:**

Part V Section 28 of the Planning and Development Act 2000states that social housing proposals should demonstrate “the need to counteract undue segregation in housing between persons of different backgrounds”.

The proposed development has 7 blocks of units E, F, G, H, J, K, L and M. All Part V housing units are grouped in Block G and Block H which are in close proximity to each other. 50% of the units in Block H are allocated to Part V and 32% of units in Block G are allocated to Part V. The rest of the blocks have 0% allocated to Part V. Social housing units are therefore concentrated in a particular area of the development in close proximity rather than spread randomly. This contravenes the planning and development act cited above.

### **K. Traffic:**

The proposed development shows a new vehicular access onto Stocking Lane which will inevitably increase vehicular traffic on this road. There is no other outlet from the proposed development to alleviate congestion on Stocking Lane.

Traffic at Stocking Lane and the surrounding area is developing into a gridlock with the opening of Scholarstown Wood and the newly designed M50 roundabouts severely impacting



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traffic in the area. This will affect the environment increasing air pollution and air pollution exposures of motorists as well as the general urban population. Noise pollution will be aggravated by excessive starting-and-stopping noise of gridlocked facilities.

It is to be noted that there are already three pedestrian crossings in the last stretch of Stocking Lane and the corner with Scholarstown Road. Furthermore, a new vehicular access has recently been added out of Scholarstown Wood just opposite the proposed site. Due to the high density of the proposed development, additional footfall at pedestrian crossings will further impact the flow of traffic which will in turn cause air and noise pollution effecting the amenity of residents.

The applicant's plan has provided a decreased number of parking spaces for visitors and residents to encourage more sustainable modes of transport but the overall infrastructure of Stocking Lane and the surrounding area do not sustain these changes. The reality is that when the proposed parking areas are full visitors will park in neighbouring estates (most notably on Prospect Heath) to walk to the shop and the Creche. Public transport on Stocking Lane is not enough to sustain the increased population density of the area that has recently seen a tremendous increase in housing with only one bus that runs every 15mins at peak times on Stocking Lane. The population density of the proposed development will significantly impact the existing public transport system that is already taxed over its limits and no solutions are being provided or considered by SDCC.

### **L. Trees:**

It is difficult to assess from the proposal the overall impact on trees. The boundary areas surrounding estates do not appear to have enough trees to ascertain some form of privacy and protection from noise to neighbouring houses. It is unclear how the tree line on Stocking Lane, that forms such a beautiful feature of the area, will be effected.

### **Conclusion**

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While there is clearly a need for house building in Dublin, this planning application represents excessive development in a suburban area. Moreover, the proposed plan spills at the borders in unnecessary proximity to existing housing. The site should be developed in such a way as to respect the amenities character and density of adjacent housing as well as the environment. It was for these reasons that the previous application was refused by An Bord Pleanála but these issues were not rectified in the new proposal. I would therefore like to submit that the application be rejected on the above grounds.



Diagram 1.

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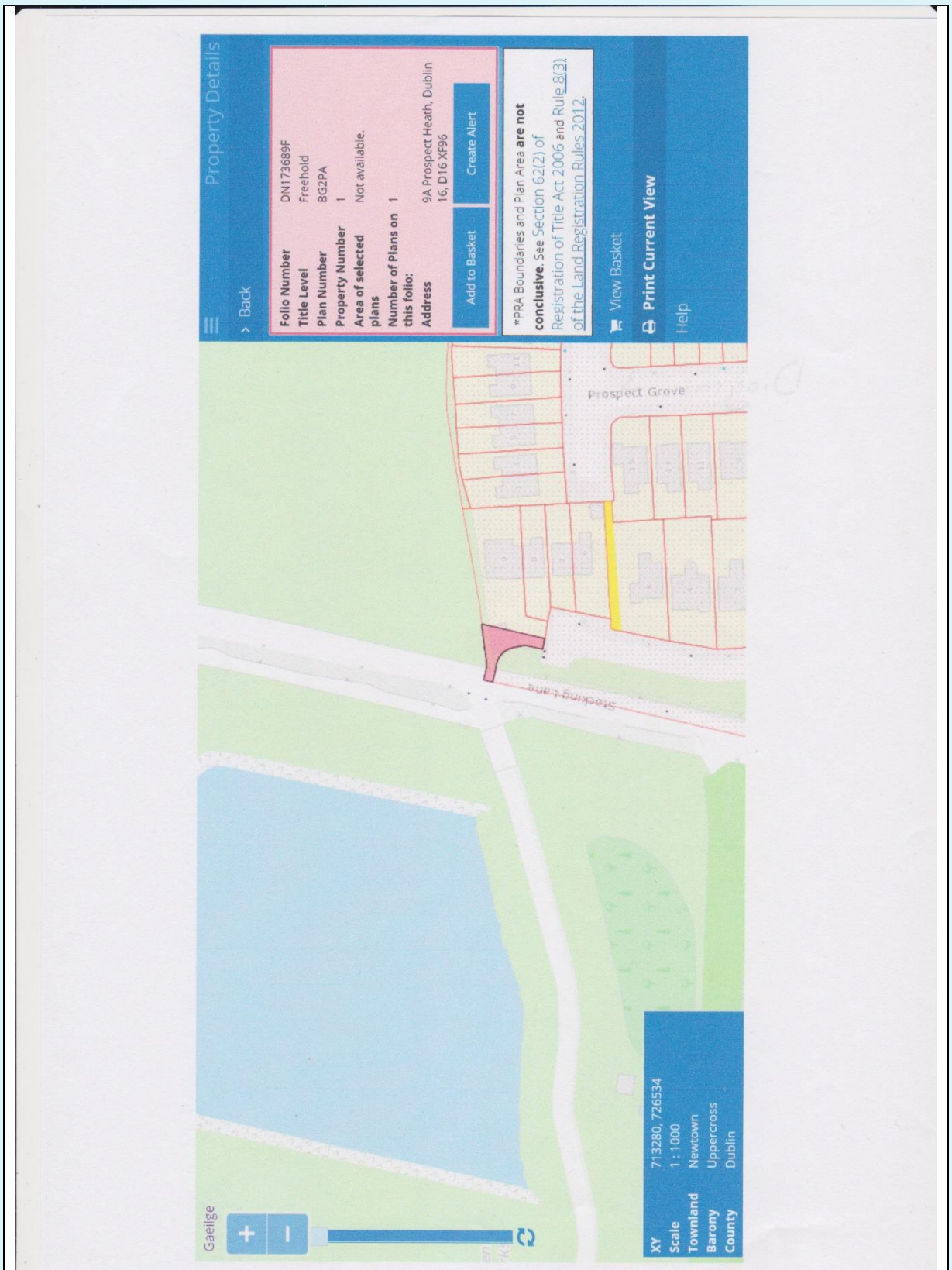
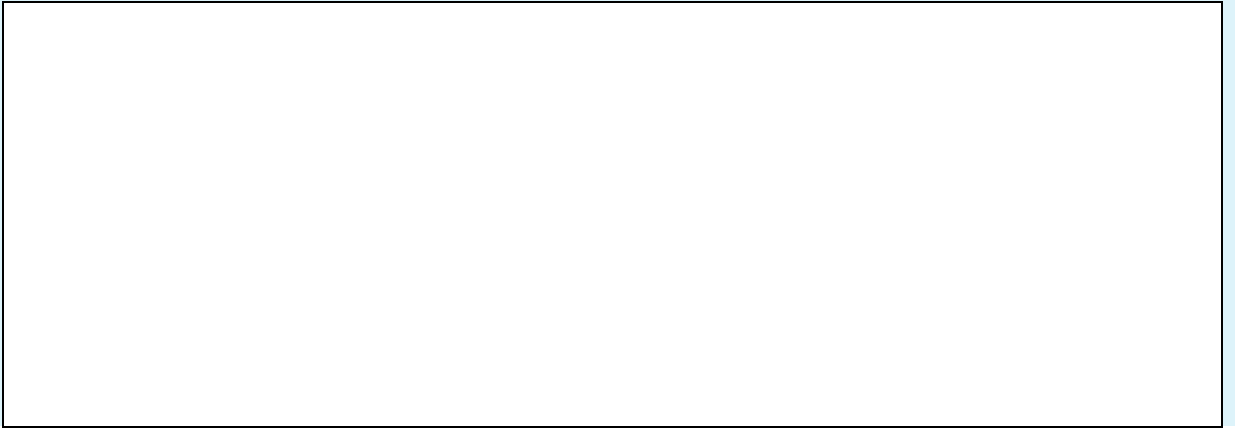


Diagram 2.

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## Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

If your supporting materials are physical objects, **you must send** them together with your observation by post or deliver it in person to our office. You cannot use the online uploader facility.

**Remember:** You can insert photographs and similar items in part 5 of this form – Observation details

## Fee

7. You **must** make sure that the correct fee is included with your observation.

**Observers (except prescribed bodies)**

- strategic housing observation **only** is €20.
- strategic housing observation **and** oral hearing request is €70

## Oral hearing request

8. If you wish to [request the Board to hold an oral hearing](#), please tick the “Yes, I wish to request an oral hearing” box below.

Please note you will have to pay the correct **additional non-refundable fee** to request an oral hearing. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

**Yes, I wish to request an oral hearing**

**No, I do not wish to request an oral hearing**

## Final steps before you send us your observation

9. If you are sending us your observation using the online uploader facility, remember to save this document as a Microsoft Word document or a PDF and title it with:

- the case number and your name, or
- the name and location of the development and your name.

If you are sending your observation to us by post or delivering in person, remember to print off all the pages of this document and send it to us.

The National Adult Literacy Agency (NALA) has awarded this document its Plain English Mark. Last updated: November 2020



**For Office Use Only**

<b>FEM – Received</b>		<b>SHU – Processed</b>	
Initials		Initials	
Date		Date	

**Notes**