

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Syl Cotter

(b) Address

71 Springvale,
Edmondstown Road, Rathfarmham, D16VF50

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

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

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

An Bord Plenala

(b) Planning authority register reference number

(for example: 18/0123)

SHD3ABP-311616-21

(c) Location of proposed development

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

Stocking Lane, Ballyboden, Dublin 16.

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Attached below



Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

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

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee of €50**. 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

NALA has awarded this document its Plain English Mark
Last updated: April 2019.



71 Springvale,
Edmondstown Road,
Rathfarnham,
D16VF50
24th October 2021

Dear Sir/ Madam,

We live in 71 Springvale, Edmondstown Road and I wish to object to the following planning application SHD3ABP-311616-21 Stocking Lane, Ballyboden, Dublin 16 for the following reasons...

1st reason - Separation distances

I am objecting on two points.

1. According to 16.10.2 Residential Quality Standards – Houses, under Dublin City Development plans, traditionally there should be 22 metres between the rear of two-story buildings and other developments.

The image (image 1) below is taken from the planning application but is inaccurate (applicant's drawing not mine)

Image 1



Around 2006 (see image 2 below) we build an extension to the rear of the house. So, the actual distance from our back window to Block K is 19.1 metres. This is 2.9 metres short of what should be allowed. We will also lose the trees directly behind us so allowing us less privacy, especially when only 19.1 metres away from other new potential neighbours.

Image 2



2. The last time this site was refused planning permission was case number: ABP-308763-20. In a letter dated 26th March 2021, Michelle Fagan outlined the reasons why An Bord Pleanála refused permission for the exact same site and application. One of the reasons is highlighted below (see image 3 of extract)..

Image 3

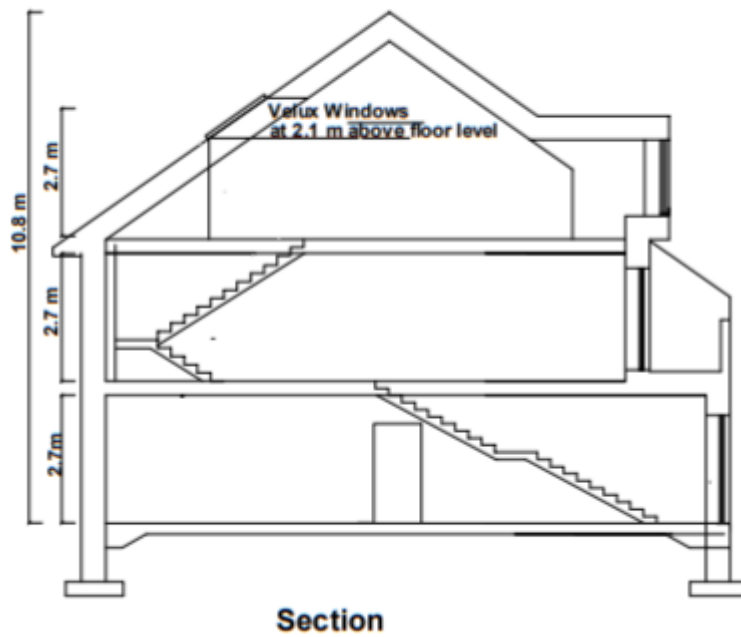
Reasons and Considerations

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 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height and layout of the proposed development, it is considered that the proposed development materially contravenes the Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022.

Planned directly behind our house is Block K (see drawing taken directly from application – image 4).

Again, this is more than two stories and the same logic for at least 35 metres of a separation distance must be considered. This new application is the same as the previous one, so above housing policy must apply.

Image 4



In addition, we were able to convert our attic to a playroom/storage with dormer type windows to the rear under Application SD20B/0219 (refer to image 3). Another point to re-enforce a minimum separation distance of 35 metres between buildings that have more than 2 stories.

Image 3



2nd reason - Sunlight / daylight / Overshadowing.

Within the application there is a report from MacCabe Durney responding to (Response to Opinion ABP.Ref.310111-21) on some queries raised by An Bord Pleanála (see image 5). While the applicant does respond, there is no evidence or study attached to support their claims

Image 5



Response to Opinion ABP.Ref.310111-21

2 Opinion

2.1 Sunlight / Daylight / Overshadowing

2.1.1 Opinion

'A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.'

2.1.2 Response

A Daylight Analysis and Overshadowing report has been prepared by H3D. It addresses the full extent of the requirements of BRE209/BS2011. Its overall conclusion states:

'the proposed development would not cause an unacceptable overshadowing impact on the neighbouring rear garden amenity spaces.

From the Average Daylight Factor (ADF) analysis, all habitable spaces passed the BRE guideline levels. In our opinion, the proposed development is considered to provide an excellent standard of amenity from a daylight perspective.

All rear garden amenity spaces and communal spaces analysed exceeded the BRE guideline level for overshadowing thus meeting the BRE guideline levels.

All windows analysed exceeded the BRE guideline level for VSC thus meeting the BRE guideline levels.'

In fact, one must revert to previous application (SHD3AMP-308763-20) to truly show the impact of our back garden in no. 71 Springvale.

Again, as this is a repeat application image 6 shows how we will be impacted. Image shows shadow report in the back garden of no. 71 and other neighbours. In addition, because of extension to the rear of our house, we have a smaller garden and overshadowing has a greater impact on the small amount of garden we have left.

Image 6



3rd reason - Previous history

According to Einstein “Insanity is doing the same thing over and over and expecting different results”

In total this site has applied for partial or full planning on eight previous occasions (not including appeals)

- 🚧 SD21A/0194
- 🚧 SHD3ABP-308763-20
- 🚧 SD20A/0002
- 🚧 SD19A/0058
- 🚧 SD19A/0020
- 🚧 SD18A/0225
- 🚧 SD18A/0200
- 🚧 SD18A/0156

It is also interesting that the applicant does not materially change any of the plans, with little or no tweaks.

For example, last two applications...

131 residential units including 21 houses (1 three bed, 11 four bed, 9 five bed) of up to two-storey plus roof storey; 2 duplex apartment units (2 two bed) in a three-storey high block; 108 apartment units (29 one bed; 59 two bed; 20 three bed) in ten apartment blocks up to four-storeys; a creche of c. 128sq.m at the ground floor of Block L; a shop of c. 65sq.m at the ground floor of Block G, with associated storage; a total of 167 car parking spaces, of which 88 are at surface level and 79 in the basement under apartment Blocks F and G, 5 are dedicated visitor parking spaces; a total of 288 cycle parking spaces and 5 motorcycle spaces; a new vehicular access onto Stocking Lane; a new pedestrian and cycle access to the Springvale estate to the east; new roads, footpaths and cycle paths and connections within the site; a new pedestrian crossing on Stocking Lane to the north west; the expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west; the development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

131 residential units including: 21 houses, 51 duplex apartment units in seven blocks of up to three-storeys, 59 apartment units in three apartment blocks up to four-storeys; A creche of c. 128sq.m at the ground floor of Block L; A shop of c. 65sq.m at the ground floor of Block G, with associated storage; A total of 167 car parking spaces, of which: 88 are at surface level and 79 in the basement under apartment Blocks F and G, 5 are dedicated visitor parking spaces; A total of 288 cycle parking spaces and 5 motorcycle spaces; A new vehicular access onto Stocking Lane; A new vehicular and pedestrian/cycle access to the Springvale estate to the east; New roads, footpaths and cycle paths and connections within the site; A new pedestrian crossing on Stocking Lane to the north west; The expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west; The development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground on a site of c.2.47ha.

All previous applications have been refused on valid reasons, such as....

- ✓ Unsatisfactory basic landscape plans
- ✓ Development would contravene council policy for dwelling standard
- ✓ Failure to meet minimum housing space requirements
- ✓ Substandard layout
- ✓ Impact on wildlife

This new application does not show or prove in any way an improvement on previous applications.

The applicant has taken no care to improve or adhere to previous miscomings.

4th reason – bats

The survey on the impact of bats is over 3 years old.

The applicants have shown no care of duty to carry out a more recent survey to fully understand if the natural habitat of bats is under threat (see image 7)

Image 7

Results of bat surveys (2018)

Emergence and re-entry surveys of the residence adjoining the northern boundary of the site were carried out in September 2018. Weather conditions were ideal, with mild temperatures and no wind or rain. No bats were observed emerging from the structure at dusk or entering the structure at dawn.

5th reason – impact on Springvale residents

Finally, An Bord Pleanála must take into the consideration the impact of this development on Springvale residents. We are a small and close community. This proposed development will change the whole make up the estate.

Nature

Many of our neighbours back or side gardens are facing this development. We have beautiful trees on our boundary, which will be gone if this development goes ahead. During summer 2021, we had visitors of deer and sheep who wandered into the estate. The proposal of a cycle lane or road will increase traffic and scare such beautiful visitors away.

Security

Having adjoining estates increase the likelihood of anti-social behaviour. In addition, some elderly neighbours have expressed their concern to me about their own safety with the possibility of increased pedestrian traffic into the estate.

Drainage

There is a serious issue with drainage in Springvale. You will see more reference to this with other objections from Springvale residents.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Syl Cotter', written in a cursive style.

Syl Cotter