

12 Sally Park Close
Firhouse
Dublin 24
D24 Y8X0

19th December 2021

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>046827-21</u>
ABP-	_____
20 DEC 2021	
Fee: €	<u>220</u> Type: <u>Cheque</u>
Time:	_____ By: <u>hand</u>

Re: Appeal against decision by South Dublin County Council to grant permission for proposed development by Oaklands Nursing Homes Ltd

Ref: SD21A/0212

Dear Sir or Madam

We, Michael and Regina Mills, wish to lodge an appeal in relation to one element of the above proposed development which is described in its planning application as:

Demolition of single storey structures attached to the west and north of the existing building; construction of a single storey (53.1sq.m) extension attached to the east of the existing building; two storey (161sq.m) extension attached to the west of the existing building; three storey (189.2sq.m) extension attached to the north of the existing building; the existing structure is a protected structure (SDCC RPS 285)

We are lodging this appeal because of the adverse impact one particular element of this development will have on our residential amenity. We refer to the proposed construction of a single story extension attached to the east of the existing building. We do not feel due consideration has been given to our concerns and we would ask that An Bord Pleanála review the application.

Previous Planning History

Residential Amenity

We refer to a previous planning application Ref SD04A/0054. Part of this proposed development sought permission for:

(b) a two-storey extension at extension at east end of existing single-story extension bedroom block to accommodate 4 no. bedrooms and an emergency staircase;

The location of this part of the development referred to in SD04A/0054 is in the exact location as the current proposed development that we are objecting to. This part of the proposed development was REFUSED planning and the Record of Executive Business and Manager's Orders stated the following:

Residential Amenity

The application shall omit the two bedrooms proposed as part of the extended ground floor footprint and the two first floor bedrooms above.

REASON: In the interest of residential amenity.

We refer to another previous planning application Ref: SD14A/0096 which sought permission for the construction of a two storey 475sq.m extension and link corridor also on the same location as the current proposed extension.

This proposed development was refused permission by An Bord Pleanala (Ref PL06S.243632) on the grounds that it would seriously injure the residential amenity of neighbouring property and was contrary to the residential zoning objective of the area.

In light of previous planning history of proposed extensions to this side of the building and subsequent refusal for the reasons of impact on residential amenity, we feel that we are in a similar situation yet again with this current application.

We contend that the close proximity of the proposed extension to our rear boundary wall will be visually dominant and overbearing. The extension wall will stand 11.48 foot high and as our house sits directly opposite the proposed extension, the wall would therefore span the entire width of our garden wall which effectively boxes us in. Our house has a ground floor extension which is not shown on the plans submitted in the planning application thus there is even less of a separation distance between our living space and the proposed extension that is evident in the planning application. Such proximity would result in overshadowing of our private garden space and our internal living space and would have a negative impact on our residential amenity contrary to the 'RES' land zoning of the site and its setting as set out in South Dublin County Council's Development Plan 2016-2022.

Furthermore in order to facilitate the construction of the proposed east side extension, the applicant is planning to remove existing trees/shrubbery that currently screens the nursing home from view from our property. We strongly object to the proposal to replace current vegetation with birch trees. Birch trees are not suitable in such a setting. Birch trees can grow up to 25m high and spread up to 8-10m in width. They have shallow roots and are among the most aggressive spreading out over a large area. (See enclosed supporting documentation) The proposed location of these trees is a narrow strip between our boundary wall and the new proposed extension. Not only are these completely unsuitable for such a small confined area due to the fact that the roots could cause issues with our boundary wall and the walls of the nursing home itself, the fact that they can grow to such an enormous height within metres of the back wall of our home would be extremely oppressive and hugely impact our residential amenity.

The applicant's states in their Additional Information letter that *"Birch trees are proposed to replace the existing planting to provide a visual barrier to the neighbouring houses to the East while allowing sufficient light through as to remove any overshadowing or light blocking that may occur."*

In the next paragraph it is stated that it is *"an attractive foliage which will allow light into the neighbouring gardens at higher levels."*

These statements are contradictory. Whilst the applicant is on one hand attempting to convince that there will be light coming through these enormous trees and does not constitute overshadowing our gardens, in the next sentence it is implied that the light will be coming into our gardens from higher levels. Are we only entitled to have sufficient light and enjoy our gardens when the sun is at its highest levels? We contend that this is overshadowing. The plans clearly show two large birch trees proposed at the end of our boundary wall. If the canopy of birch trees is at a higher level with drooping branches then this will not form a visual barrier to the proposed extension, instead we will still have sight of the wall of the proposed extension broken up by tall tree trunks with a canopy higher than the actual building which will block most of our sunlight except perhaps in the height of the Summer.

Protected Structure

In the previous application referred to above (SD14A/0096) and a subsequent application (SD19A/0200), An Bord Pleanála expressed concerns regarding the protection of the architectural heritage of the property. Whilst the proposed extensions have been reduced in size from the previous applications they still form a visual discord with the Georgian style of the property and detract from the character and setting of the house. The east side extension at 53.1sq.m is relatively small in comparison to the other proposals and we would question if the impact of such a small extension to the running of the nursing home is worth detracting further from the character and visual appreciation of the historic house.

Preliminary Construction & Environment Management Plan

The planning application states normal working hours as 8.00 to 18.00 Monday to Friday and 7.00 to 14.00 on Saturday. We would request that Saturday hours are amended to 9.00 start. 7.00 is not considering normal working hours and it is confusing as to why Saturday normal hours would be an earlier start than Monday to Friday normal hours. The location of the nursing home should be taken into consideration being surrounded on all sides and in very close proximity to residential houses, not to mention that it is a residential amenity in itself for elderly people who would have noise disruption from 7.00 on a weekend day when they generally have more visitors and would need to be well rested.

Enclosed please find fee of €220 to accompany our appeal.

We look forward to hearing from you in due course.

Yours sincerely

Handwritten signature in blue ink, appearing to read 'Michael and Regina Mills'.

Michael and Regina Mills

Care Of Weeping Silver Birch: How To Plant A Weeping Silver Birch

A weeping silver birch is a graceful beauty. Bright white bark and long, downward growing shoots at the ends of the branches create an effect unmatched by other landscape trees. Find out more about this lovely tree and weeping silver birch care in this article.

What are Weeping Silver Birch Trees?

Weeping silver birch (*Betula pendula*) is a European species that is well suited to North American locations with mild summers and cold winters. It isn't a low-maintenance tree, but it well worth the time you put into it.

Weeping silver birch growing conditions include full sun ^[1] and well-drained ^[2], moist soil. The soil should never dry out. A thick layer of mulch ^[3] around the base of the tree will help hold moisture in. Weeping silver birch trees grow best in areas where summer temperatures rarely exceed 75 degrees Fahrenheit (25 C.) and where the roots are covered with snow for most of the winter.

Care of Weeping Silver Birch

An important part of the care of weeping silver birch trees is keeping the soil evenly moist. If the soil in the area isn't naturally moist, install drip irrigation ^[4] under the mulch.

The tree is susceptible to fungal diseases for which there is no cure, but you may be able to keep them at bay by pruning out diseased twigs and branches. Prune in late winter before the tree breaks dormancy. Pruning cuts bleed an abundance of sap ^[5] if you wait until spring. Cut back to healthy wood. The cut will stimulate growth from the side shoots and nodes below it, so it's best to cut just above a node or side shoot.

If the long shoots make landscaping tasks, such as mowing ^[6], difficult, you can cut them back to the desired length. Always mow so that any sticks or debris caught by the mower blades will be thrown away from the tree instead of toward it to prevent trunk injuries. Injuries create entry points for insects and disease.

Plant a weeping silver birch in an area where it is in scale with the rest of the landscape and where it has room to spread to its mature size. The tree will grow 40 to 50 feet (12-15 m.) tall, and will look awkward in a small yard. The canopy will spread 25 to 30 feet (7.5-9 m.), and it should not be crowded by structures or other trees.

Article printed from Gardening Know How: <https://www.gardeningknowhow.com>

URL to article: <https://www.gardeningknowhow.com/ornamental/trees/birch/care-of-weeping-silver-birch.htm>

URLs in this post:

[1] full sun: <https://www.gardeningknowhow.com/garden-how-to/info/full-sun.htm>

[2] well-drained: <https://www.gardeningknowhow.com/garden-how-to/soil-fertilizers/what-is-well-drained-garden-soil.htm>

[3] mulch: <https://www.gardeningknowhow.com/garden-how-to/mulch/>

[4] drip irrigation: <https://www.gardeningknowhow.com/special/xeriscape/irrigation-systems-for-xeriscape-environments.htm>

[5] sap: <https://www.gardeningknowhow.com/ornamental/trees/tgen/what-is-tree-sap.htm>

[6] mowing: <https://www.gardeningknowhow.com/lawn-care/lgen/lawn-mowing-tips.htm>

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Subsidence Claims Advisory Bureau

≡ MENU

Trees Distances



WHERE TREES SHOULD BE PLANTED – A Balanced View.

Very little root action leading to subsidence damage to buildings in the UK is caused by direct physical pressure exerted by roots. A tree has to be very close to the structure indeed for such damage to occur. Planting a tree so close to a structure that trunk buttressing or increase in trunk diameter was being restricted could lead to damage. More commonly, pavements and boundary walls with little or no foundation may be lifted by large shallow roots of, for example, Populus, poplar, species. Buildings with adequate foundations, standing some distance from trees, are very rarely subject to such direct damage.

Most reported damage is secondary in nature. The problem is confined largely to soil types that shrink considerably on drying. In the UK these are mainly certain types of clay and some peaty, fen soils. Under conditions of drought when tree roots remove water from shrinkable soils, they accelerate the drying and shrinking process. This can lead to loss of support to inadequate foundations and subsequent subsidence. Continued drought, even in the absence of trees, can lead to subsidence in such circumstances.

Tree root spread data have most relevance to relatively 'safe' planting distances when relating to trees growing on shrinkable clay soils. Planting distances on other soil types that do not contract on drying have to be determined more by

consideration of the respective scale of the buildings and trees, the ultimate size of the trees, and the desirable or undesirable qualities of the trees concerned. In all cases it is wise to consult a qualified expert.

KEEPING A SENSIBLE DISTANCE

Table below shows the Minimum Distance from property and Maximum root spread recorded

Cypress	Cupressus	Min – 3.5 metres	Max – 20.0 metres
Cypress	Chamaecyparis	Min – 3.5 metres	Max – 20.0 metres
Birch	Betula	Min – 4.0 metres	Max – 10.0 metres
Apple	Malus	Min – 5.0 metres	Max – 10.0 metres
Pair	Pyrus	Min – 5.0 metres	Max – 10.0 metres
Cherry, Plum and Peach	Prunus	Min – 6.0 metres	Max – 11.0 metres
Hawthorn	Crataegus	Min – 7.0 metres	Max – 11.5 metres
Rowan & Mountain Ash	Sorbus	Min – 7.0 metres	Max – 11.0 metres
Plane	Platanus	Min – 7.5 metres	Max – 15.0 metres
Lime	Tilia	Min – 8.0 metres	Max – 20.0 metres
Black-Locust	Robinia	Min – 8.5 metres	Max – 12.4 metres
Beech	Fagus	Min – 9.0 metres	Max – 15.0 metres
Ash	Fraxinus	Min – 10.0 metres	Max – 21.0 metres
Horse Chestnut	Aesculus	Min – 10.0 metres	Max – 23.0 metres
Elm	Ulmus	Min – 12.0 metres	Max – 25.0 metres
Maple & Sycamore	Acer	Min – 12.0 metres	Max – 20.0 metres
Oak	Quercus	Min – 18.0 metres	Max – 30.0 metres
Willow	Salix	Min – 18.0 metres	Max – 40.0 metres
Poplar	Populus	Min – 20.0 metres	Max – 30.0 metres

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

Telephone: 01 4149000

Fax: 01 4149104

Email: planningdept@sdblincoco.ie



Michael & Regina Mills
12, Sally Park Close
Firhouse
Dublin 24

Date: 02-Sep-2021

Dear Sir/Madam,

Register Ref: SD21A/0212
Development: Demolition of single storey structures attached to the west and north of the existing building; construction of a single storey (53.1sq.m) extension attached to the east of the existing building; two storey (161sq.m) extension attached to the west of the existing building; three storey (189.2sq.m) extension attached to the north of the existing building; the existing structure is a protected structure (SDCC RPS 285); construction to include all associated site works and enabling works.
Location: Sally Park Nursing Home, Sally Park Close, Firhouse, Dublin 24
Applicant: Oaklands Nursing Homes Ltd.
Application Type: Permission
Date Rec'd: 29-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.sdblincoco.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.sdblincoco.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

for Senior Planner