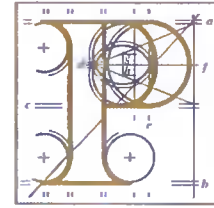


Our Case Number: ABP-312362-22

Planning Authority Reference Number: SD21A/0212



**An
Bord
Pleanála**

**LAND USE, PLANNING
& TRANSPORTATION DEPT.**

21 JAN 2022

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 20 January 2022

Re: Demolition of structures to west and north of the building, construction of single-storey extension to east, two-storey extension to west and three storey extension to north of the building. Associated site works. Existing structure is a protected structure (SDCC RPS 285); Sally Park Nursing Home, Sally Park Close, Firhouse, Dublin 24

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal.

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission received on the 17th January, 2022 from CEA Architects on behalf of Oaklands Nursing Home Ltd.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 9th February 2022**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board will proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
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LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

Yours faithfully,



Mary Tucker
Executive Officer
Direct Line: 01-8737132

BP70 Registered Post

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902



An Bord Pleanála

64 Marlborough Street,
Dublin 1,
D01 V902

17/01/2022

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

Applicant: Oaklands Nursing Home Ltd.

Application: SD21A/0212

Dear Sirs,

I hereunder enclose a response to appeal received by an Bord Pleanála on 20.12.2021 (logged as receipt number 046827-21) received by our office

It is our contention that the items of concern raised by Michael and Regina Mills can be in some cases shown to be less impactful than the Mills fear and in other case be mitigated through concessions by the client to amend the proposed development.

The Mills identified the issues of Lighting, Landscaping, the Protected Structure, and hours of activity on site. The responses below will individually address each issue with relation to the Mills residence at 12 Sally Park Close, Firhouse.

Regarding the issues raised...

1. Lighting

1.1 The Complainant wrote...

The previous applications sought large and impactful extensions to the east of the existing building. The design of the proposed building a single storey extension at this location was informed by the CIBSE guide and minimising impact upon the receiving environment by not

exacerbating the light blocked by the existing structure. The image below shows the proposed structure in the context of the Existing structure and foliage. Also shown is the minimum conditions to trigger an investigation in accordance with the “2011 BRE guidelines as set out in “Site layout planning for daylight and sunlight”.

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 tween 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 it's setting as set out in South Dublin County Council's Development Plan 2016-2022.

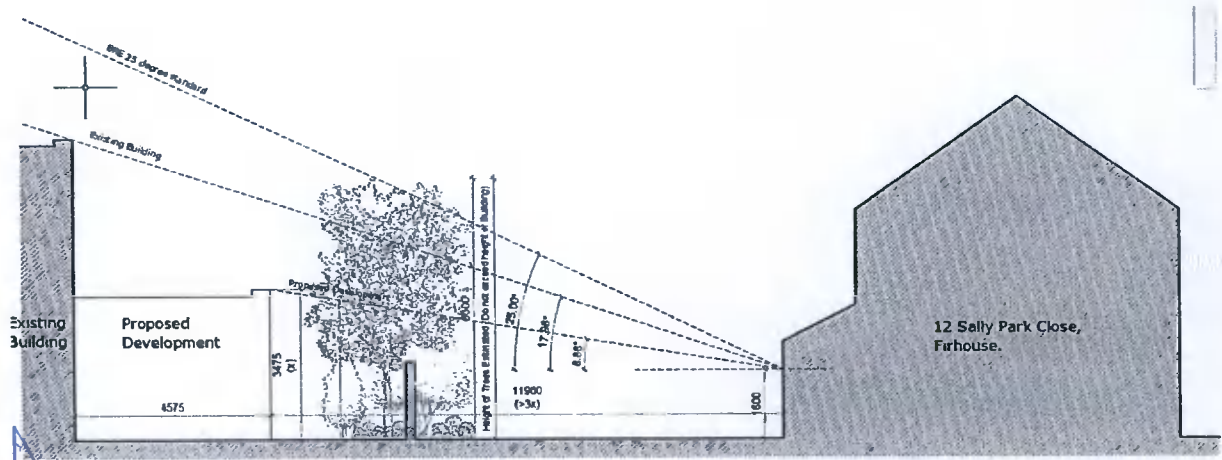
1.2 Applicants Response

Assessment of the impact of the proposed development on daylight access to existing buildings outside the application site

The BRE Guide provides that “The quantity and quality of daylight inside a room will be impaired if obstructing buildings are large in relation to their distance away”. Generally speaking, new development is most likely to affect daylight access in existing buildings in close proximity to the application site.

According to BRE Guide “Loss of light to existing windows need not be analysed if the distance of each part of new development from the existing windows is three or more times its height above the centre of existing window.”

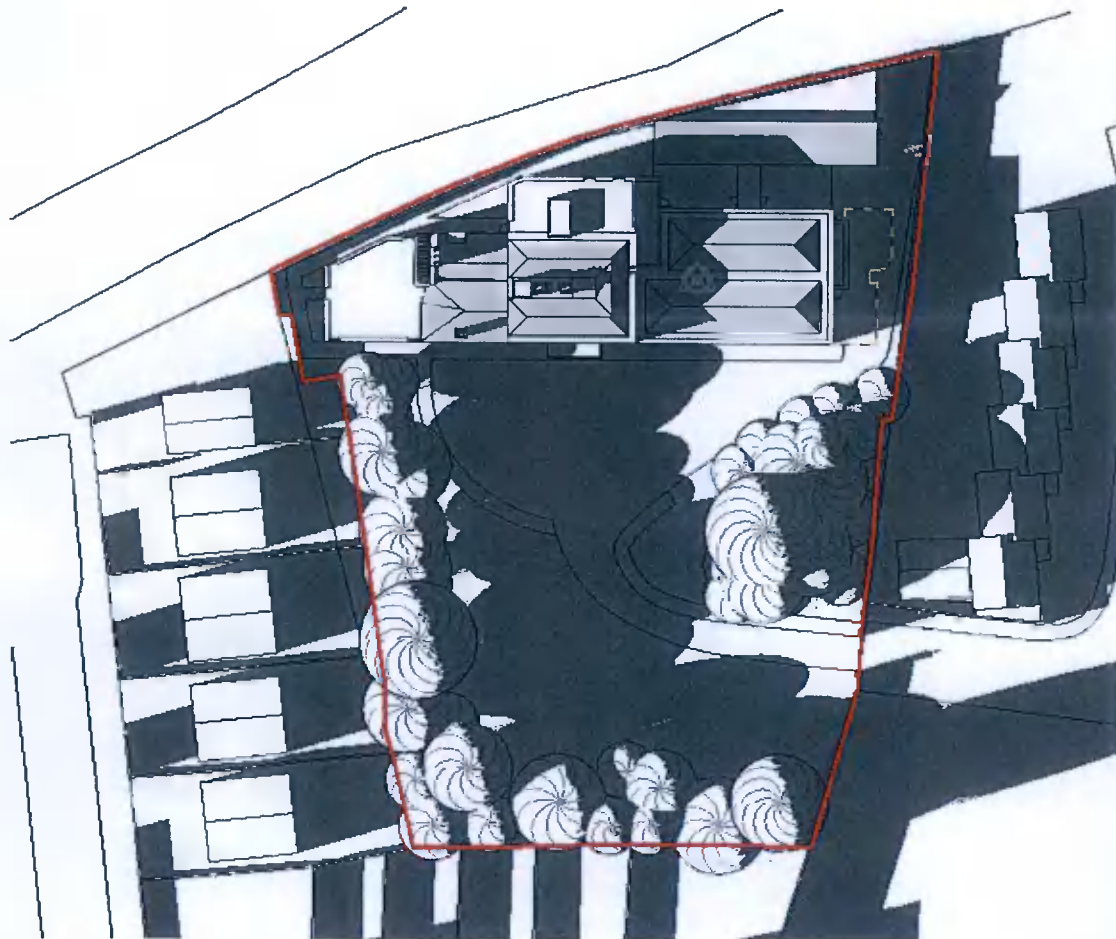
“If skylight angle is less than 25° for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by existing building.”



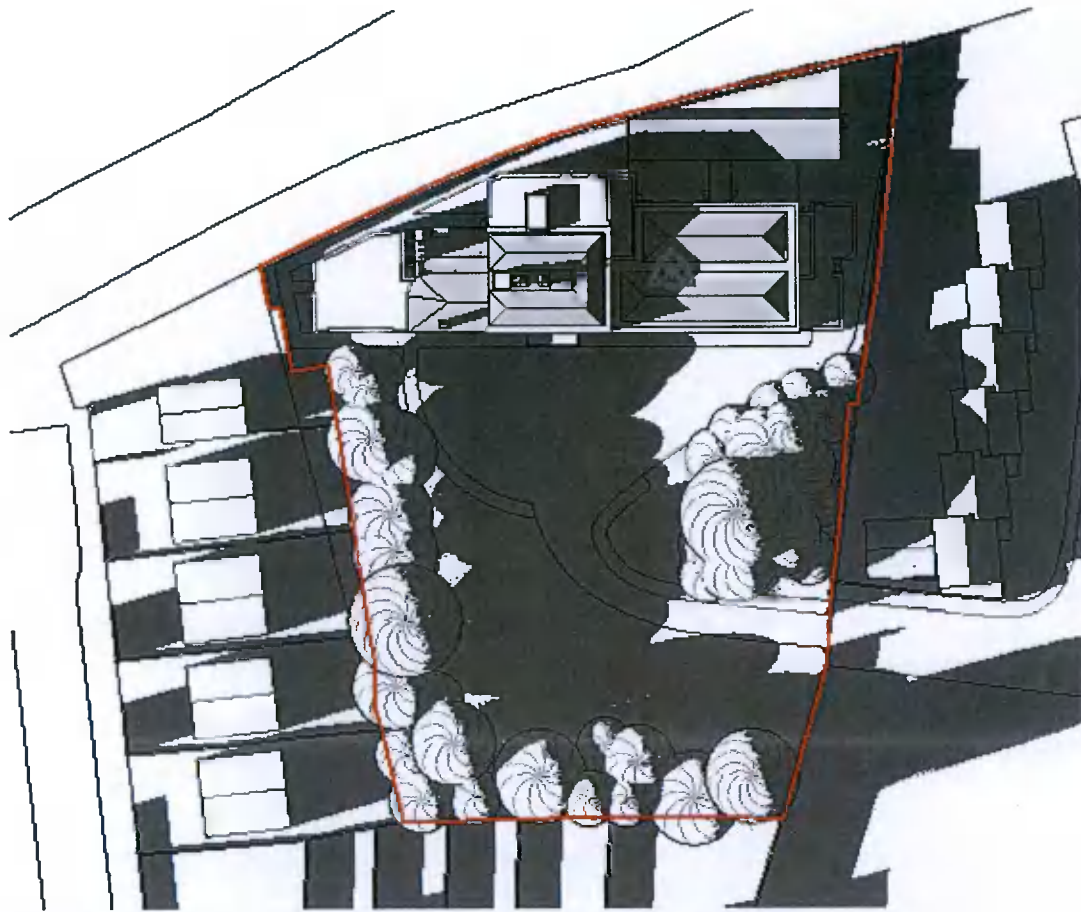
The images above show the development does not affect the daylighting of the existing dwelling in accordance with the quoted rule of thumb (also above). As the proposed

development does not impose an angle of obstruction greater than 25°, it can reasonably be assumed that the proposed development will not have any appreciable impact on the day lighting of the existing buildings around the proposed site.

Below is a shadow analysis undertaken to demonstrate the impact of the proposed development on the adjacent dwellings. The images explore the shadows imposed as a result of the existing building in comparison to the impact impose following the proposed development. The virtual study was undertaken at the correct co-ordinates and height and demonstrates the shadows as they would occur at 4pm on the 21st of September (the Autumn Equinox) 2021.



Existing Shadow Impact at 4 pm on 21st of Autumn 2021 (Contested Structure Removed and outlined in pink)



Proposed Shadow Impact at 4 pm on 21st of Autumn 2021

2. Foliage and Landscaping

2.1 The Complainant wrote...

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 25 m high and spread up to 8- 10 m 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.

2.2 Applicants Response

We recognise that the proposed choice of tree is unsatisfactory to the complainant. While it was not intended to allow the trees to grow to such a significant height and the trees would have been limited by the receiving environment and planting separation. However, to mitigate the concerns of the Mills, it is proposed to choose an appropriate tree species from the South Dublin County Council publication "Living With Trees" South Dublin County Council Tree Management Policy 2021 - 2026". The publication identifies trees which are suitable for Urban Gardens which should be appropriate to this urban location.

Trees suitable for urban gardens

Latin name	Common name	Latin name	Common name
Arbutus Unedo	Strawberry Tree	Cercis Canadensis 'Forest Pansy'	Redbud
Acer Palmatum 'Atropurpureum'	Japanese Maple	Malus 'Golden Hornet'	Crab Apple
Acer Davidii	Snake Bark Maple	Malus 'Royalty'	Crab Apple
Acer Griseum	Paperbark Maple	Prunus 'Amanogawa'	Cherry
Amelanchier Lamarckii	Snowy Mespilus	Sorbus Vilmorinii	Rowan
Crataegus Orientalis	Eastern Thorn		

The existing trees onsite are approx. 6 m and it is intended to replace the trees without exacerbating the precedent set by the existing foliage within a realistic timeframe.

Latin Name	English Name	Ultimate Height	Time To Ultimate Height	Ultimate Spread
Arbutus Unedo	Strawberry Tree	4 - 8 m	10 - 20 Years	4 - 8 m
Acer Palmatum 'Atropurpureum'	Japanese Maple	4 - 8 m	20 - 50 Years	4 - 8 m
Acer Davidii	Snake Bark Maple	> 12 m	20 - 50 Years	> 8 m
Acer Griseum	Paperbark Maple	8 - 12 m	20 - 50 Years	4 - 8 m
Amelanchier Lamarckii	Snowy Mespilus	8 - 12 m	10 - 20 Years	4 - 8 m
Crataegus Orientalis	Eastern Thorn	4 - 8 m	20 - 50 Years	4 - 8 m
Cercis Canadensis	'Forest Pansy' Redbud	4 - 8 m	10 - 20 Years	4 - 8 m
Malus 'Golden Hornet'	Crab Apple	8 - 12 m	20 - 50 Years	> 8 m
Malus 'Royalty'	Crab Apple	4 - 8 m	20 - 50 Years	4 - 8 m
Prunus 'Amanogawa'	'Amanogawa' Cherry	4 - 8 m	10 - 20 Years	2.5 - 4 m
Sorbus Vilmorinii	Rowan	2.5 - 4 m	10 - 20 Years	2.5 - 4 m

Items which do not meet requirements to appropriately reproduce the existing conditions are highlighted in red.

The applicant would be agreeable to amend the proposed planting to replace the Weeping Birch 'Youngii' as proposed in the response to further Information request documentation with the Sorbus Vilmorinii and to have the Silver Birch replaced by the Prunus 'Amanogawa'. It is believed these trees will provide a colourful and pleasant effect on the courtyard for residents and a minimally impactful screening for the Mills in their residence.

It is anticipated that the trees as suggested by South Dublin County Council as appropriate for urban gardens it will be appropriate in this location and not problematic at the end of the Mills urban garden space.

For clarity the reference to higher levels and Visual barriers were an effort to show that the proposed trees would block low level (human scale) interaction between the sites while the disperse foliage of the silver birch would allow western light through above 3 meters.

3. Protected Structure

3.1 The Complainant wrote...

In the previous application referred to above (SD14A/0096) and a subsequent application (SD19A/0200), An Bord Pleanala 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 sq.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.

3.2 Applicants Response

The proposed extension was designed in consultation with South Dublin County Council conservation staff and in sympathy with the opinions expressed by South Dublin County Council in the adjudication of the previous planning applications mentioned by the complainant. The proposed development is of minimal impact and materially strike a strong juxtaposition against the existing building, clearly delineating the new development from the new development from the historic structure. The proposed development makes specific effort to 'touch' the existing building lightly with the design teams G1 graded RIAI conservation architect, Oisin Craig, has proposed details which will ensure minimal impact upon the existing structure while ensuring optimum performance regarding waterproofing and energy retention.

It is our contention that through the several iterations of planning applications and multiple design options, the proposed development represents the maximum yield of residential

spaces for the nursing home while developing the site within the satisfactory standards of South Dublin County Council.



View of proposed West Extension in the context of the Existing Protected Structure



View of proposed East Extension in the context of the Existing Protected Structure

