

Louise Browne
146A Monalea Grove
Firhouse
Dublin 24
D24 XC42

AN BORD PLEANÁLA
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ABP- _____ 30th January 2022
02 FEB 2022
Fee: € 220 Type: Cheque
Time: _____ By: Reg Post

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Application: Demolition of existing child care facility; construction of 2 semi-detached, 3-bed residential units and the reinstatement of existing unit from child care building back to former 3 bed residential unit; carparking, landscaping and all associated site works.

Location: 147, Monalea Grove, Dublin 24

South Dublin County Council Ref: SD21A/0106

Planning Authority Decision Date: 12/01/22

Dear Secretary

I wish to appeal the decision of South Dublin County Council to grant permission for the above proposed development.

I enclose payment for this third-party appeal (€220) together a copy of the written acknowledgement from South Dublin County Council in relation to my submission to the local authority at initial planning application stage.

The grounds of appeal are set out below.

1. The cul-de-sac onto which the application site interfaces with was subject to a significant flood event in July 2020 that nearly resulted in the flooding of my house (146A Monalea Grove). The proposed development includes for significant hard standing areas that drain onto this cul-de-sac and the notification of permissions fails to adequately address the potential for the proposed development to exacerbate further flood events.

The cul-de-sac between 146A and 147 Monalea Grove has flooded extensively approximately 3 times in the last 10 years. The latest flood event occurred in July 2020 and nearly resulted in the flooding of my house at 146A Monalea Grove (see Plates 1 and 2 below).

The driveway area for 147 Monalea Grove currently drains onto this cul-de-sac and is currently largely surfaced with a permeable gravel. The proposed development incorporates a larger hard standing area with 4 no. car spaces, driveway space and a "Right of Way" area. Very little soft landscaping that would provide for natural drainage is proposed.

Plates 1 & 2: Flooding of Cul-De-Sac between 147 & 146A Monalea Grove (July 2020)



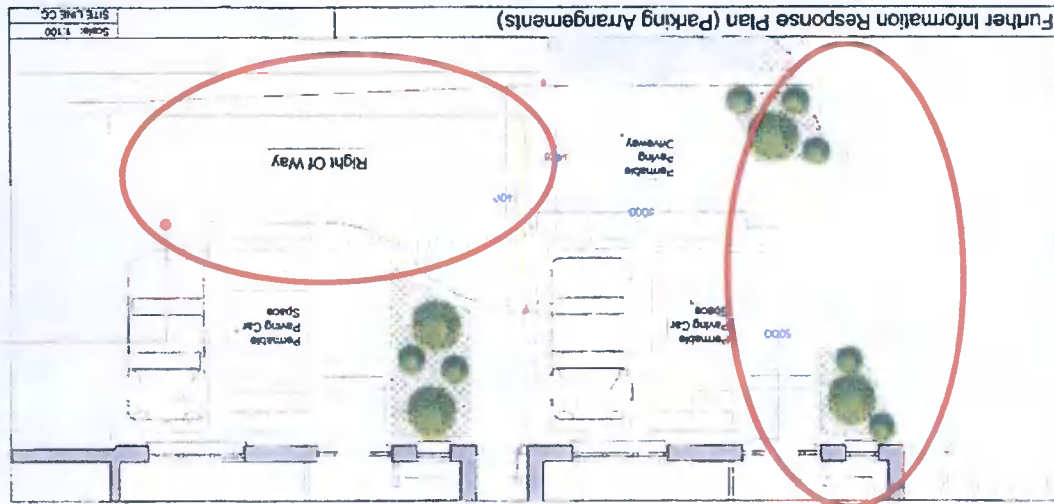
This serious issue was raised in my submission to the local authority on the subject application. There was no mention, however, of this issue in the case officer's summary of my submission, in the main body of the case officer's assessment of the planning or in a further information request on the application.

It is noted that in response to a further information request on parking from the local authority's Roads Department, the applicant submitted a parking arrangement drawing that indicates the incorporation of elements of "permeable paving", however, I have a number of concerns in relation to this aspect of the proposal:

- the majority of the area to the front of the proposed dwellings that will drain to the cul-de-sac will comprise hard standing area with minimal soft landscaping (see Plate 3 below);
- drainage drawings submitted with the further information response confirm that the proposed development's surface water drainage system will not serve the hard standing area;
- the surface treatment to a large "right of way area" that will drain onto the cul-de-sac is unspecified;

- the extent of paved area is excessive with a triangular paved area along the eastern boundary of the site that is unnecessary and could be replaced with soft landscaping;
- The composition of the “permeable paving” area is unspecified, has been left open to interpretation and would allow for the installation of semi-permeable surface finishes such as cobble-lock/brick pavements that would potentially increase the extent of run off from the application site compared to the existing situation.

Plate 3: Hard Standing with Unspecified “Right of Way” Area & Unnecessary Paved Area



It is on the basis of the above that I consider that the proposed development is not fully in keeping with the Infrastructure and Environmental Quality (IE) Policies 2, 3 and 5 of the South Dublin County Council Development Plan 2016 – 2022 particularly the following objectives (emphasis added):

IE2 Objective 5: To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks.

G5 Objective 1: To promote and support the development of Sustainable Urban Drainage Systems (SUDS) at a local, district and county level and to maximise the amenity and biodiversity value of these systems.

IE3 Objective 3: To manage flood risk in the County in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) and Circular PL02/2014 (August 2014), in particular when preparing plans and programmes and assessing development proposals. For lands identified as being at risk of flooding in (but not limited to) the Strategic Flood Risk Assessment, a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required, demonstrating compliance with the aforementioned Guidelines or any updated version of these Guidelines, paying particular attention to residual flood risks and any proposed site-specific flood management measures.

Should An Bord Pleanála be minded to grant permission for the proposed development, it is pleaded that conditions be attached that seek to address the history of flooding in the immediate area as per my original submission and seek to limit surface water run-off in accordance with the County Development Plan objectives as follows:

1. Prohibit the use of impermeable and semi-permeable surface finishes such as concrete, tarmac or cobble-lock/brick pavements in the proposed parking, driveway and right of way area for both dwellings; and

2. Requires the proposed parking, driveway and right of way area for both dwellings to comprise a fully permeable Sustainable Urban Drainage System such as grasscrete.
3. Requires the proposed triangular paved area along the eastern boundary of the site and to the east/adjacent to proposed parking to be replaced with soft landscaping only.

II. The proposed replacement of a boundary wall would take place within the root and crown spread of maturing native trees and a maturing native hedgerow located in the area of open space that abuts the application site and associated construction activity in this area would adversely impact on the health and viability of such planting.

As per Plates 4, 5 and 6 below, the northern boundary of the application site interfaces with an area of open space, which acts as a biodiversity refuge and carbon sink located at the end of the cul-de-sac between 146A Monalea Grove and 147 Monalea. The group of maturing trees and hedgerow within this open space also form an important noise and visual barrier to the busy three-lane Ballycullen Road located along the eastern side of this open space where there is a gap in street planting along the road itself.

The potential of the proposed development to have an adverse impact on the hedgerow and trees was raised in my submission to the local authority on the subject application. Again, there was no mention of this issue in the case officer's summary of my submission, in the main body of the case officer's assessment of the application or in a further information request. Subsequently, the layout plan submitted with the further information response does not recognise the presence of the hedgerow.

Plate 4: Aerial Photo of Site & Planted Area



Plate 5: Further Info. Layout of Site & Planted Area

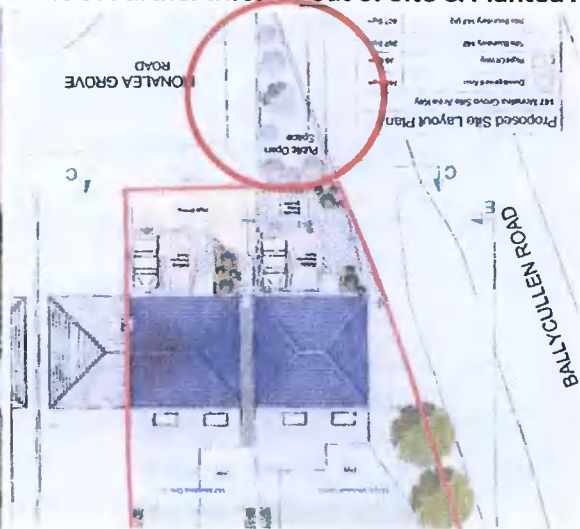


Plate 6: Photo of Planted Open Space Area (April 2021)



As per Plate 7 below, a brick wall (approx. 1 metre in height) that runs along the northern boundary of the application site with the planted open space is located within the root and crown spread of 1 no. semi-mature birch tree and part of the beech hedgerow. Two no additional maturing silver birch trees and further elements of the hedgerow are also located within close proximity to this boundary.

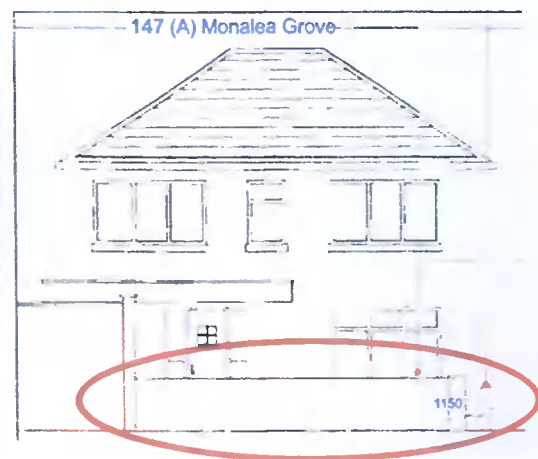
The layout plan and elevations (see plate 8) submitted with the applicant's further information response indicates that the northern boundary wall with the open space would be replaced with a new "publicly owned planted space boundary". The proposed elevations submitted illustrate a difference in visual appearance between the existing curved brick wall and the proposed new boundary wall with a vertical pier. No justification is submitted with the planning application in relation to the need to replace the existing boundary wall despite its potential impacts.

The conditions attached to the local authority's grant of permission do not address the issue of the proposed boundary wall's location within the crown and root spread of a street tree and hedgerow or the potential for construction activity within this area to adversely affect the health and viability of further sections of maturing hedgerow and the 2 no nearby maturing silver birch trees.

Plate 7: Crown Spread of Trees along Site Boundary



Plate 8: Elevation of Proposed Boundary



It is considered that this was an oversight by the local planning authority in the context of the absence of a reference in the case officer's report to any referral report from local authority's Parks or Public Realm department and the absence of reference to pertinent Green Infrastructure (G) Policies 1, 2 and 6 contained in the South Dublin County Council Development Plan 2016 – 2022 particularly the following related objectives (emphasis added):

G2 Objective 6: To protect and enhance the County's hedgerow network, in particular hedgerows that form townland, parish and barony boundaries, and increase hedgerow coverage using locally native species.

G2 Objective 9: To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County by increasing tree canopy coverage using locally native species and by incorporating them within design proposals and supporting their integration into the Green Infrastructure network.

G2 Objective 13: To seek to prevent the loss of woodlands, hedgerows, aquatic habitats and wetlands wherever possible including requiring a programme to monitor and restrict the spread of invasive species such as those located along the River Dodder.

G6 Objective 1: To protect and enhance existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design process.

Should An Bord Pleanála be minded to grant permission for the proposed development, it is pleaded that conditions be attached that seek to protect the adjacent native planting as per my original submission as follows:

1. Prohibit the removal of any planting from the triangular area of open space adjacent to the northern boundary of the application site.
2. Require the developer to:
 - A. Retain the existing northern brick boundary wall with the planted open space and lodge tree bonds for the protection of the adjacent mature hedgerow, group of semi-mature street trees and immature street tree.

OR

- B. Lodge a method statement for the protection of existing planting within the triangular area of open space adjacent to the northern boundary of the site and lodge tree bonds for the protection of the adjacent mature hedgerow, group of semi-mature street trees and immature street tree.

III. There is a long history of development on the application site that does not have the benefit of planning permission and the notification of decision does not seek a financial guarantee for the completion of the proposed development in accordance with the plans and particulars lodged and the conditions attached.

The history of development on the application site that does not have the benefit of planning permission, includes the following:

- Change of use of dwelling house to childcare business (circa 1998);
- Porch extension to childcare business (circa 2011);
- Conversion of domestic garage to childcare use with associated elevational changes (circa 2016);
- Construction of new childcare building in rear garden (circa 2019)
- Erection of banner signage (circa 2020);
- Installation of CCTV camera to front of building (circa 2020).

This matter was raised in my original submission to the local authority on the application in the context of the need to ensure that development is carried out in accordance with any permission.

Again, there was no mention of this potential issue in the case officer's summary of my submission or in the main body of the case officer's assessment of the planning and the matter was not addressed in the conditions attached to the notification of decision. The local authority's case officer report stated that no enforcement history could be found in relation to the application site. This is despite enforcement complaints being lodged thus suggesting that there may have been a further potential oversight when the local authority considered the proposed development.

Should An Bord Pleanála be minded to grant permission for the proposed development, it is pleaded that a condition be attached that:

1. Requires the developer to lodge a development bond that seeks to ensure the completion of the development in line with the plans and particulars submitted with the planning application and the conditions attached to the permission.

Conclusion/Summary

To summarise, my grounds of appeal in relation to the notification of decision to grant permission for the proposed development are as follows:

- I. The cul-de-sac onto which the application site interfaces with was subject to a significant flood event in July 2020 that nearly resulted in the flooding of my house (146A Monalea Grove). The proposed development includes for significant hard standing areas that drain onto this cul-de-sac and the notification of permissions fails to adequately address the potential for the proposed development to exacerbate further flood events.

- II. The proposed replacement of a boundary wall would take place within the root and crown spread of maturing native trees and a maturing native hedgerow located in the area of open space that abuts the application site and associated construction activity in this area would adversely impact on the health and viability of such planting.

- III. There is a long history of development on the application site that does not have the benefit of planning permission. In the event of a grant of permission, guarantees should be sought to ensure that any permitted development is carried out in accordance with the drawings lodged and the conditions attached to the permission.

Should An Bord Pleanála be minded to grant permission for the proposed development, it is pleaded that conditions be attached that:

1. Prohibits the use of impermeable and semi-permeable surface finishes such as concrete, tarmac or cobble-lock/brick pavements in the proposed parking, driveway and right of way area for both dwellings.
2. Requires the proposed parking, driveway and right of way area for both dwellings to comprise a fully permeable Sustainable Urban Drainage System such as grasscrete.
3. Requires the proposed triangular paved area along the eastern boundary of the site and to the east/adjacent to proposed parking to be replaced with soft landscaping only.
4. Prohibits the removal of any planting from the triangular area of open space adjacent to the northern boundary of the application site.
5. Requires the developer to:
 - a. Retain the existing northern brick boundary wall with the planted open space and lodge tree bonds for the protection of the adjacent mature hedgerow, group of semi-mature street trees and immature street tree.
 - OR
 - b. Lodge a method statement for the protection of existing planting within the triangular area of open space adjacent to the northern boundary of the site and lodge tree bonds for the protection of the adjacent mature hedgerow, group of semi-mature street trees and immature street tree.
6. Requires the developer to lodge a development bond that seeks to ensure the completion of the development in line with the plans and particulars submitted with the planning application and the conditions attached to the permission.

Yours faithfully,

Louise Browne

