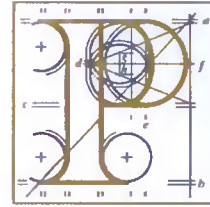


Our Case Number: ABP-313049-22

Planning Authority Reference Number: SD21B/0325



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

**Planning Department
Planning Counter**

23 MAR 2022

Received

Date: 22 March 2022

Re: Extension to rear and side over existing rear/side extension, roof lights, internal alterations and associated site works.
26, Knockmeenagh Road, Clondalkin, Dublin 22

Dear Sir / Madam,

Enclosed is a copy of two appeals under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

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

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following: - Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

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under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

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

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312049-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,

pp. Halpin

Liam Halpin

Direct Line: 01-8737280

BP07

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
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Láithreán Gréasáin	Website	www.pleanala.ie
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D01 V902	D01 V902

28 Knockmeenagh Road

Newlands Cross

Clondalkin

Dublin D22 V099

AN BORD PLEANÁLA	
LDG-	<u>050379-22</u>
ABP-	_____
16 MAR 2022	
Fee: €	<u>220</u> Type: <u>Home</u>
Time: <u>1543</u>	- By: <u>Hand</u>

16th March 2022.

BY HAND to:

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1.

Reg. Ref. SD21B/0325: 26 Knockmeenagh Road, Clondalkin, D22.

Dear Sir/Madam

Attached please find my Appeal, as a Third Party of the decision by South Dublin County Council to grant permission for a first floor extension to the rear and side of the existing rear/side extension/family flat.

I make this appeal not only on my own behalf but also on behalf of my late husband Will who was party to our objection to the planning application to SDCC (copy enclosed).

- My home, at No. 28 sits to the EAST of the subject site No. 26.
- The south facing front orientation of the cottages on Knockmeenagh Road means each of them enjoy natural daylight/sunlight in the rooms to the front of their homes.
- The first of each set of cottages, westwards, have the benefit of the afternoon and evening light throughout the year.
- The second of each set of cottages, eastwards, including mine at No. 28, benefit from the morning light throughout the year and have limited light from the west in the afternoon and evenings.
- My cottage has a rear extension build in 1981/2 with a further extension added in 1991 and we made every effort available at those times to avail of the afternoon & evening light.
- The importance and benefit of having daily access to natural sun/daylight within one's home has become more and more apparent in recent years and is now integral in all residential developments.

- Surely this access to natural sun/daylight must therefore be a prime consideration when permission is being sought for developments which will greatly, if not fully, reduce a long-established dependence on same.
- The proposed development at No. 26, due to its height, bulk and proximity (less than 3 metres wall-to-wall and 1.9 from the boundary wall), will be visually dominant from my bedroom, dining-room and kitchen. Coupled with the sheer bulk of the proposed extension it is to be clad in BLACK larch, thereby causing a further darkening of the habitable rooms in my rear extension.
- It will have a detrimental effect on the natural light available to my north-facing bedroom and more especially the family rooms in our single-storey extension where we have relied on our west-facing windows for natural light since 1982.
- The proposed 4 first floor north-facing windows will seriously injure my privacy and the residential amenity of practically all areas of my garden including our sunroom which we use on a daily/nightly basis regardless of the weather (photo attached).
- The 'Existing Site Plan' continues to be inaccurate as it gives the impression that the main sewage line is further to the north and that we have built our garage atop it. Please see attached photos showing the manhole in our garden and the exact line of the sewer from the east and westwards to the subject site (1 metre from our north-facing kitchen and 1 metre from the front of our north-facing garage).
- I would not be confident the only French drain (shown as a soakaway) in No. 26 will be capable of coping with the additional surface water from the proposed development. The plans submitted do not show that the surface water and GREY WATER from the Gamesroom/Store/Utility Room and the workshop feed into this drain too. There have been some issues with water gathering on the boundary of our garden after periods of heavy rain and the die-back of deep-rooted fruit trees in this general location.

Thank you for considering my appeal. Enclosed please find cheque in the sum of 220Euro.


Margaret McCann

Schedule of Enclosures:

Copy SDCC acknowledgement letter to myself and my late husband Will McCann dated July 5th 2021.

Copy SDCC notification to myself and my late husband of their decision to grant permission. This letter is dated March 1st 2022, almost 2 weeks from the decision date of March 17th 2022.

Photos from various rooms within my home and garden showing the current situation with an outline of the proposed extension superimposed as best as possible in the very short time available to me.

Extracts from SDCC Development Plan

2.4.1 RESIDENTIAL EXTENSIONS

H18 Objective 1: To favourably consider proposals to extend existing dwellings subject to the **protection of residential** and visual amenities.

Extracts from SDCC House Extension Guide (my comments are in RED)

SECTION 4 Elements of Good Extension Design

III: Do not **overlook, overshadow or have an overbearing affect** on properties next door.

.....should result in an extension that is well-designed and respects the amenity of neighbouring properties

This proposed extension will most definitely overshadow and have an overbearing effect on my home, particularly the rear ground floor extension with 2 windows and a glazed door facing west. It will also reduce the light to my north-facing bedroom via the window.

It will most certainly not respect the amenity of my home and garden

Please see Encl. Nos. **4-10**

It is impossible for me to provide drawings to show the extent of this overshadowing as plans submitted do not show the length of the proposed extension North to South.

However, Model No. 3 P.12 of SDCC's Home Extension Designs Guide is the closest example of the impact this development will have on my home, albeit the example is for 2 x 2 storey houses.

ENCL 3

.....**BUT** equally the **position of windows should not impact on neighbours privacy**

.....do not impinge on **neighbours privacy**

Until recently SDCC have been consistent in quoting overlooking as a reason to refuse Permission, e.g.

SD08A/0345 / PL06S.232954 where they stated "...It is considered that the 2 no. side first floor dormer windows, situated 6.1.m from the site boundary are unacceptable and overlook the rear amenity space of the adjoining property....."

SD10A/0218 / PL06S.237712 stated "2. The proposed two-storey dwelling by reason of its height and scale and proximity to adjacent residential property would be an overbearing form of development to the rear of the existing cottage and adjoining properties and would therefore, be contrary to the proper planning and sustainable development of the area."

Until recently SDCC have also been consistent in their efforts to prevent overlooking when granting permission, e.g.

SD13A/0189 stated "(i) The rooflights serving bedroom two and the study at first floor level shall be relocated as high level rooflights..."

Please also note there is no comparison whatsoever between the possible scenario of a reduction of light at Nos. 30 & 32 and that which will pertain in relation to my home if this double storey extension is built.

Encl. Nos. ^{4-10¹¹} show the likely outcome for me and my home.

- Use light coloured materials on elevations adjacent to neighbouring properties.

The proposed extension will be clad in BLACK BURNT LARCH per AKM Design. Therefore I will be looking up at a BLACK façade from my family room & kitchen as opposed to what I currently have the pleasure of seeing.

Encl. No. ~~4-10~~⁺¹¹ refers

- III: Do not overlook, overshadow or have an overbearing impact on neighbouring properties

Access to good levels of natural light and privacy is essential to people's comfort and wellbeing in their homes.

In designing an extension, it is important to ensure that not only do rooms in the new extension have good access to daylight and sunlight, but also that the extension itself through its location or height, will not significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties or severely overshadow them.

Good levels of natural light are particularly important in the habitable rooms of a house such as kitchens, living rooms, conservatories and bedrooms as well as any private external patio or sitting-out area located to the rear of the house.

As well as blocking out light to a neighbouring property, a poorly located and bulky extension can also feel oppressive or overbearing when experienced from adjoining residential properties.....

It is important that the occupants of both the new extension and neighbouring properties enjoy reasonable levels of privacy in their homes and gardens, and so careful consideration needs to be given to the location of new windows in an extension.

There are three main issues to consider:

1. Will it have an overbearing impact? **ANSWER: YES, it will.**
2. Will it significantly overshadow the neighbouring property? **ANSWER: YES, it will.**
3. Will it reduce privacy below reasonable levels? **ANSWER: YES, it will.**

AKM Design included a Design Statement in their response to SDCC and use photos of extensions at Nos. 10, 30 and 36 Knockmeenagh Road. There are two different types of cottages built in pairs on the road, 1. LONG with an apex roof and 2. SQUARE with a hipped roof. Nos. 10 & 30 are/were LONG while No. 36 is/was SQUARE. Each of the houses which have 2 storey extensions, regardless of type, have projected forward and to the side of the original cottage WHILE keeping a portion of the original

SD13A/0008 stated *"It is considered that the first-floor rear (north) window would not result in significant levels of overlooking. Section B-B appears to show that the rooflights would be located at a height which would allow overlooking of adjoining properties. This is not acceptable. Rooflights should be relocated at a high level which do not facilitate overlooking.*

I am therefore at a loss to understand how 4 WINDOWS facing north cannot be considered to have the potential to significantly overlook my privacy and amenity space.

Please see Ends.which give an indication of how this development will overlook my amenity space and how my privacy will be affected detrimentally.

.....Do not build within 3m of a sewer or watermain

(NB this has already happened under SD14B/0109 – see photo

attached to objection to SDCC on file.

Key points to address in the design

Overbearing impact

- Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.

AKM Design have not submitted any evidence to prove their statement that the proposed extension does not cause excessive overshadowing of adjoining properties. They state that both 24 & 28 have rear extensions of roughly equal length. This is not disputed. HOWEVER, THEY NEGLECT TO STATE THAT THE DISTANCE BETWEEN 26 & 24 which also has a block built garage alongside the existing boundary wall and thereby the existing family flat at No. 26 (to the west) IS MUCH GREATER at more than 8m THAN THE DISTANCE BETWEEN 26 & 28 (to the east) at 1.9m.

I consider this to be misleading and refer to the actual situation as shown on Encl. Nos. *12 + 13.*

They also give SD13A/0008 (new build detached house under LZO6) and SD19B/0276 relating to my neighbours at No. 30 as examples to support this statement.

It should be noted that Section 7 of the Knockmeenagh Road Framework Plan, written by Mr. Jong Kim (AKM Design) which forms the basis of LZO6 states *"..a minimum separation distance of at least metres is recommendedUse of light coloured materials on side elevations adjacent to neighbouring properties is recommended"*

Regarding SD19B/0276, please note SDCC took onboard a submission by neighbours in No. 32 who listed concerns about the rear ground floor extension height causing a reduction of light into their courtyard, sitting-room and study and a Grant of Permission included an AMENDMENT to the roof profile of the ground floor rear extension whereby the flat roof was to be replaced with a HIPPED ROOF with the central apex ridge line on a NORTH-SOUTH axis. The reason given was to protect the amenities of the area etc etc.....

Please also note my neighbours Prof. & Mrs. Vij did not proceed with this element of the development so the inclusion of this as "proof" is misleading.

cottage untouched where it connects to its counterpart. None of the existing extended homes have an unwelcome visual impact on the road.

No. 26 will deviate from this established pattern despite having scope to do so in the same way. It seems they are more concerned with the VISUAL IMPACT FROM THE ROAD than they are with the effects an overbearing, black two-storey extension will have on my enjoyment of home and amenity space.

While other dwellings may exceed 8m in height, all of them were designed with a level of respect for the inhabitants of their neighbouring dwellings.

In granting permission for this development the permission for the family flat granted to the applicant's mother ceases and SDCC have rightly placed a Restriction on Use as follows:

“(b) The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: *To prevent unauthorised development.”*

On this basis I must question why SDCC have not sought the removal of one or other of the two front doors and also one or other of the existing kitchens, as shown on the plans submitted. This would immediately obviate the potential to use the original cottage as a separate dwelling into the future.

Unfortunately there is a long history of non-compliance and disrespect by the applicant with regard to Planning Regulations and decisions arrived at in Court.

ENCLOSURE

Will & Margaret McCann
28 Knockmeenagh Road
Clondalkin
Dublin 22

Date: 05-Jul-2021

Dear Sir/Madam,

Register Ref: SD21B/0325
Development: First floor extension to the rear and side over the existing rear/side extension providing 2 new bedrooms and study and bathroom; 3 new rooflights; internal alterations and associated works.
Location: 26 Knockmeenagh Road, Clondalkin, Dublin 22
Applicant: Graham Brown
Application Type: Permission
Date Rec'd: 02-Jun-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.sdublincoco.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.sdublincoco.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 content of a planning application.

Yours faithfully,

Mary Crowley
for Senior Planner

Will & Margaret McCann
28, Knockmeenagh Road
Clondalkin
Dublin 22

ENCL (2)

Date: 01-Mar-2022

Dear Sir/Madam,

Register Ref. No: SD21B/0325
Development: First floor extension to the rear and side over the existing rear/side extension providing 2 new bedrooms and study and bathroom; 3 new rooflights; internal alterations and associated works.
Location: 26, Knockmeenagh Road, Clondalkin, Dublin 22
Applicant: Graham Brown
App. Type: Permission
Date Rec'd: 21-Jan-2022

I wish to inform you that by Order dated 17-Feb-2022 it was decided to **GRANT PERMISSION** for the above proposal.

This decision together with the conditions/reasons attached to the decision is recorded in the Planning Register kept at this office in accordance with Article 7 of the Planning & Development Act 2000.

This Register may be inspected during office hours 9.00 a.m. – 4.00 p.m. and interested parties may obtain a certified copy of an entry therein on payment of a fee of €9.00 in respect of each entry. Alternatively, the information can be accessed on-line at www.sdublincoco.ie by selecting “*Planning Applications*” and conducting a search using available information such as the Planning Application number, Applicant Name or Location. Scanned planning files can be downloaded at this site.

It should be noted that any person who made a submission within 5 weeks of the date of receipt of the application by the Planning Authority and which was accompanied by the appropriate fee of €20.00 may appeal to An Bord Pleanala against the decision or any conditions attached to the Council's decision *within 4 weeks* beginning on (and including) the date of the Council's decision. Interested parties are advised to consult An Bord Pleanala to ascertain if an appeal has been lodged by the applicant.

In cases where the Planning Authority is notified of an appeal having been lodged, this information is published on a weekly basis on the Council's website www.sdublincoco.ie, under the heading “*Weekly Lists*”.

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1 (Tel. 8588100 – LoCall: 1890 275 175).

Any appeal made to An Bord Pleanala will be invalid unless it is fully complete and the correct fee is received by An Bord Pleanala within the statutory appeal period. The fee in respect of an

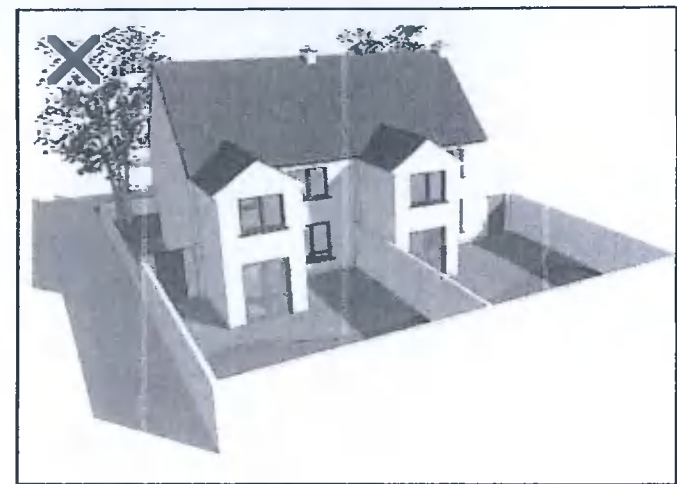
Key points to address in the design

Overbearing impact

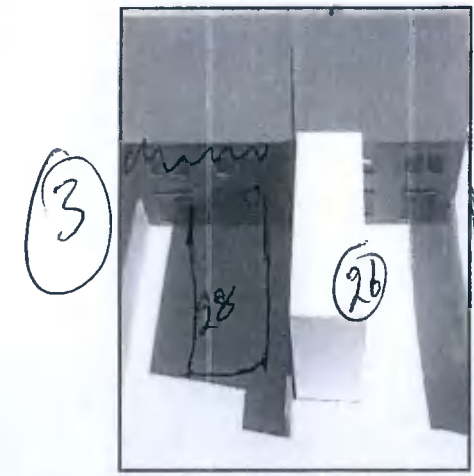
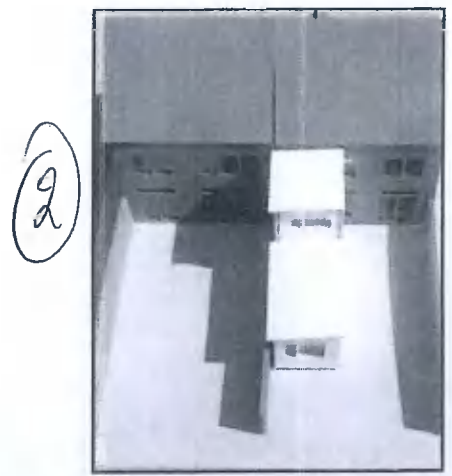
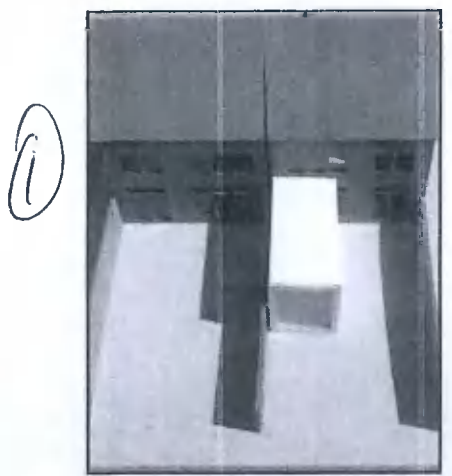
- ✓ Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.
- ✓ Use light coloured materials on elevations adjacent to neighbouring properties.
- ✗ Two-storey extensions will not normally be accepted to the rear of terraced houses if likely to have an overbearing impact due to close spacing between houses.
- ✗ Where a scheme of two-storey extensions is proposed to the rear of terraced properties, they should not normally protrude from the rear wall of the houses more than 1.5 times the distance of the gap between the extensions ('tunnel effect' diagram above right).

Daylight and over shadowing

- ✓ Locate and design an extension so that it will not significantly increase the amount of shadow cast on the existing windows or doors to habitable rooms in neighbouring properties.
- ✓ Assess the impact of the shadow cast by extensions that are two-storey or higher on the daylight received by neighbouring properties. If the assessment demonstrates that the proposed extension will result in significant overshadowing or loss of light to habitable rooms in the adjoining dwelling, redesign to reduce impact. ('Assessing the Shadowing Impacts' opposite page).



A 'tunnel effect' can be created along terraces by two-storey rear extensions



✗
 Flat roof
 2 STOREY EXT.

These models demonstrate how different scales and designs of extensions have the potential to cast varying degrees of shade



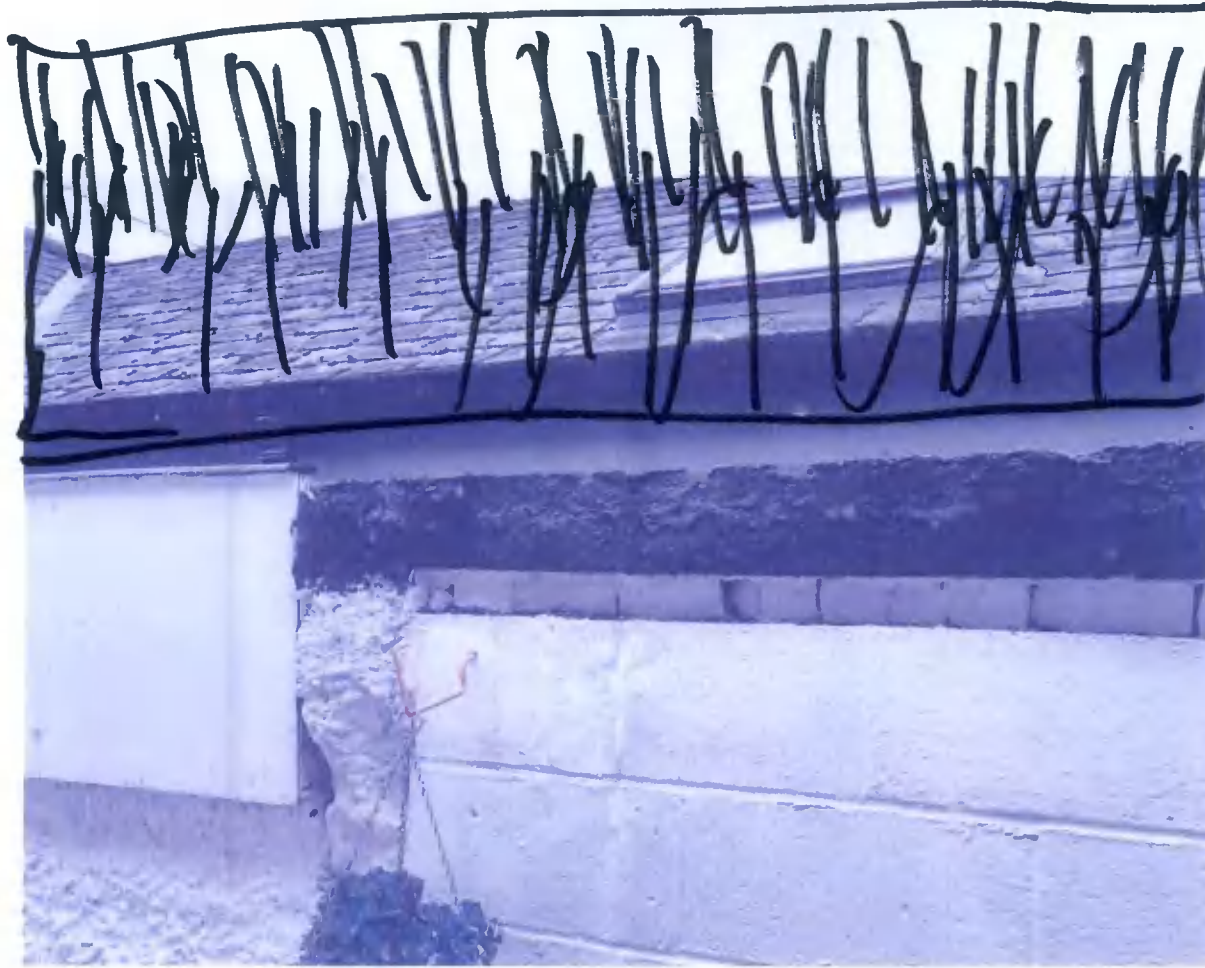
VIEW FROM BEDROOM
WINDOW FACING
NORTH.



VIEW FROM DINING / FAMILY
ROOM FACING WEST



VIEW FROM DINING/FAMILY
ROOMY FACING WEST.



VIEW FROM DINING/FAMILY.
ROOM SOUTH WEST FACING



MOONLIGHT FROM DINING / FAMILY
ROOM FACING WEST

FACING WEST FROM A SECTION
OF MY PATIO



ENC. (9)



VIEW FROM SECTION OF PATIO
FACING SOUTH WEST.

My GARDEN +
SUN ROOM
FACING SOUTH.



ENCLOSURE

ENCL NO. (12)

MAP SHOWING RELATIONSHIP
OF 26 to Nos. 24
28

Imagery ©2022 Infoterra Ltd & Bluesky, Map data ©2022 10 m



penarth Rd

Google

26

24

27

28

18

30

28

360°

BATH

FAMILY ROOM

KITCHEN

PATIO

DINING

SUN ROOM

GARAGE

4 windows

50/30/1008

ENCLOSURE MAP SHOWING
13 Nos. 14/14A-36

Imagery ©2022 Infoterra Ltd & Bluesky, Maxar Technologies, Map data ©2022 20 m

