

Eimear Perry and Ashraf Al Sulaibi
50 Springvale,
Edmondstown Rd.
Rathfarnham,
Dublin 16
06/05/2022

Planning Department
South Dublin County Council
County Hall
Tallaght
D24 A3XC

9th May 2022

Re. Reg. Ref. SD22A/0095: Objection to a planning application for a proposed development a dwelling at a site at 50A Springvale, Edmondstown Road, Dublin 16

Dear Sirs,

We are the owners of number 50 Springvale and wish to object to a planning application for a single dwelling to the side of 50A Springvale, Edmondstown Road, Dublin 16 (Reg. Ref. SD22A/0095). Please attached receipt for the €20 payment.

We are the owners of No. 50 Springvale. The applicant bought the adjoining garden plot and planning permission for a single house under Reg. Ref. SD17A/0320, a now completed dwelling (number 50A Springvale) at the same time as we bought no. 50. The proposed development, subject of this application is to the eastern side of no. 50A and is an additional dwelling. This site is at a significant gradient below that of number 50A, being located on a steep hill as the land falls towards the Owendower River to the east.

The grounds of our objection are as follows:

Validation issues

It appears the proposed vehicular entrance will be via an existing shared entrance between our property (number 50) and 50A. We have not given consent to include this vehicular entrance in the planning application. The submitted site location map and proposed site layout appears to include land shared by us. See attached photograph of the entrance. The proposed new shared entrance would be a very small entrance without using part of the land owned by us. It is unclear if perhaps the boundary wall to the large green is to be demolished to accommodate a new shared entrance. No consent has been given to the applicant to use part of our entrance. The application should therefore be invalidated.

Also, in purchasing number 50, the Grant of Easement that was agreed states that the vehicular entrance will be used for one number additional dwelling, not two. Please see attached letter from our solicitor outlining such. While this may constitute a civil matter rather than planning issue, we contend the application is therefore invalid and/or permission should be refused. Currently, a fence is

erected on what is purported to be the boundary between our property and that of 50A. We contend that the fence does not represent the boundary and this dispute remains as yet unresolved.

Also, the application does not include a form setting out how the proposed development is exempt from Part V social housing obligations (Section 97 exemption form). The application should therefore be invalidated.

Planning History and Reasons for Refusal

The now constructed 50A Springvale was permitted under Reg. Ref. SD17A/0320; ABP Ref. 300366. South Dublin County Council had initially refused permission for a number of reasons including that the dwelling would break the rear building line and encroach farther east on the site towards dwellings to the east resulting in significant overshadowing of these properties. The proposed development would be unduly overbearing when viewed from the east and would seriously injure the residential amenities and depreciate the value of property in the vicinity. The house was also deemed by South Dublin County Council to have insufficient private amenity space.

There have been earlier permissions to develop the current site. Reg. Ref. SD08/0397 was an application to develop this site and the 50A site as one large dwelling. The dwelling was deemed to cause overbearing, overshadowing to properties to the east and seriously injure the residential amenities and depreciate the value of property in the vicinity. Permission was refused on these reasons.

It is considered that the same issues are present in the now proposed dwelling and permission should be refused. The proposed house will infringe on the established building line and encroach inappropriately on properties to the east and would seriously injure the residential amenities and depreciate the value of property in the vicinity.

Foul Drainage

Given the sunken level of the site, foul water drainage is to be pumped into the public sewer in Springvale. We are concerned that the use of a foul pump will result in significant maintenance requirements and pose a risk to human health in the area should the pump fail. The pump will be located in private property and the council will therefore have no power to fix the pump should it fail. It is submitted the use of a foul water pump for one dwelling will set an undesirable precedent and should not be granted permission.

Material Contravention of Zoning Objective.

The proposed development is located on land zoned RES where the objective is 'To protect and/or improve residential amenity' under the South Dublin County Development Plan 2016-2022. The proposed development is located on a small, constrained backland site at a significant gradient drop below the adjoining dwellings. As a result, the proposed development will significantly impact the residential amenity of existing dwellings and constitutes a material contravention of the zoning objective.

Contravention of Development Plan policies related to infill development.

There are a number of policies in the South Dublin Development Plan 2016-2022 which relate to infill and garden site development and we contend the application materially contravenes these policies including the objectives CS1, H17 Objective 2 and H17 Objective 3.

Section 11.3.2 (i) of the Development Plan outlines policies related to infill sites where it states 'A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required'.

No such site analysis has been submitted with the application and the design of the proposed dwelling is completely at odds with the adjoining dwellings.

Section 11.3.2(ii) of the Development Plan outlines policies related to backland and infill development on corner/side garden sites. The following requirements are outlined:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

It is submitted that the site is not of a sufficient size to accommodate the proposed dwelling. The house is 4.6m wide in total constituting a very narrow house. This garden site was only sufficiently sized to accommodate one house. The proposed design is at odds to both the existing Springvale houses and the recently constructed 50A Springvale and the building line does not respond to adjoining dwellings being located at a much lower site. It is submitted that the proposed development does not comply Development Plan policies related to infill development and permission should therefore be refused.

Construction impact.

The construction of number 50A has only just completed. The impact of noise, dust etc. has been considerable over the last two years. We are faced with the prospect of a further two years of construction activity next to our property with associated noise, dust, and air quality impacts.

With the sunken location of the site, presumably a significant amount of excavation and movement of soil will be required. In the application there are no details of how the applicant proposes to construct the dwelling. Retaining walls/structures will surely be required in order to prevent the soil and hill from shifting to the east. We are concerned that this slope will become unstable during construction of the property and pose a risk to the structural integrity of 50A and our property number 50 as well as those Springvale properties located east of the site. 50-52 Springvale were not designed to have 2 further houses to their east on a slope. We are concerned there will be structural risk during construction works to our houses and there is risk of an accident and resultant danger to human health and the local environment.

In the earlier permission for 50A (SD17A/0320) construction details and piling information was submitted to the Local Authority in response to planning conditions. At a minimum, the same

information is required here. We also contend that the applicant has no legal right to use this entrance for construction vehicles and materials, and our consent is required to do so.

The proposed development would cause serious air pollution, water pollution, noise pollution and vibration impacts and permission should therefore be refused.

Traffic Hazard and use of shared entrance.

Number 50A shares a vehicular entrance with our property. It is not fully clear from the drawings although it appears the proposed dwelling will also share this entrance. The use of this entrance by construction vehicles and ultimately a third dwelling will constitute a significant traffic and safety hazard, would endanger public safety in the vicinity and permission should therefore be refused. See attached photograph showing that 5 vehicles between both properties already have use of this shared entrance.

Private Amenity Space

It is not clear whether the minimum private open space has been provided for the proposed dwelling (55sqm). It would appear that insufficient private open space is provided given a first floor balcony is proposed. It is submitted that permission should be refused due to insufficient private amenity space resulting in substandard residential amenity for the dwelling. The balcony may also result in overlooking to properties to the east and as a result impact their residential amenity and property values. The design of the proposed property is not in keeping with the character of the house of Springvale estate.

Conclusion

The proposed dwelling is on small, backland site of insufficient size to accommodate the development. We are concerned in relation to traffic hazard, safety, construction impact, soil stability, foul water drainage issues. The grant of Easement refers to a shared entrance for two properties. In addition, the proposal will materially contravene the Development Plan zoning objectives and a number of policies related to infill and garden site development.

As outlined above, the proposed development would result in serious impact to our residential amenity, will result in the depreciation of property values in the vicinity and permission should therefore be refused.

Kind Regards,

__Eimear Perry____

Encl: €20 observation fee receipt no. T4/0/704849

Solicitors letter in relation to Grant of Easement

Photographs

Date: 6 May 2022

Our Ref: SUL010/0001/MON/DC

PRIVATE AND CONFIDENTIAL

Eimear Perry
50 Springvale
Rathfarnham
Dublin 16

**JOE CLANCY
SOLICITORS**

COMMISSIONERS FOR OATHS

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DUBLIN 14, D14 C982
TEL 492 0464 FAX 492 0495

EMAIL: info@joecclancy.com
DX: 163002

RE: Purchase of 50 Springvale Rathfarnham Dublin 16

Dear Eimear

Further to the above. In respect to the Grants of Easements, same was in place in respect to both yourself and Ashraf Al Sulaibi as owners of number 50 Springvale, Rathfarnham, Dublin 16 and that of the owner of number 50A Springvale, Rathfarnham, Dublin 16 being Brian Sheridan and the clear intention of the Grant of Easements was to allow for the easy access of vehicles strictly to no 50 and 50A relating fully to either premises.

We confirm that it was never the intention that the Grant of Easements would be used for the benefit of a proposed third premises and owners.

We trust same is in order.

Yours sincerely

P.P. Joe Clancy

Michael J. O'Neill
JOE CLANCY SOLICITORS









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

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

**Eimear Perry & Ashraf Al Sulaibi
50, Springvale
Rathfarnham
Dublin 16**

Date: 09-May-2022

Dear Sir/Madam,

Register Ref: SD22A/0095
Development: 2 storey dwelling with mono pitched roof and ancillary site works to side of existing house.
Location: 50A, Springvale, Edmonstown Road, Rathfarnham, Dublin 16
Applicant: Brian Sheridan
Application Type: Permission
Date Rec'd: 04-Apr-2022

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. Furney
for Senior Planner