

Observation on Planning Application SD22A/0324

Details of Observer: Graham J. Coyne, 15 Sutton Court, Dublin.

Details of Proposed Development:

- (a) **Planning Authority:** South Dublin County Council (hereinafter “SDCC”)
- (b) **Planning Authority Reference Number:** SD22A/0324
- (c) **Location of Proposed Development:** Hillhouse, Lucan Road, Lucan, Co. Dublin
- (d) **Applicant:** Frances Dowling.

Details of Observed Application: Application of Frances Dowling (hereinafter the “Applicant”) in relation to the proposed demolition of an existing house; ancillary outbuildings and the construction of 1 two to four storey building accommodating 19 apartments comprised of 6 one bedroom apartments and 13 two bedroom apartments; Vehicular access to the proposed development will be via Lucan Road with traffic calming measures onto Lucan Road; 11 car parking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925 hectares (hereafter the “Application” or the “Proposed Development”).

Date of Observation: 12 September 2022.

Payment: proof of payment of the required observation fee of €20.00 is attached with the Observation. The grounds of objection are set out in the following sections of this submission.

1. Application to which this Observation Relates

- 1.1 This Observation relates to the Application of Frances Dowling lodged on 8 August 2022 under Planning Authority Reference Number SD22A/0324.
- 1.2 This Observation has been prepared as an observation on the Application and with the Observer’s anecdotal experience of (i) the subject site; (ii) no. 4 The Cloisters; (iii) Lucan Heights; and (iv) the Lucan Road in mind, having lived at No. 4 The Cloisters for 25 years.

2. Grounds of this Observation (planning reasons and arguments)

- 2.1 This Observation hones in on 3 of the most pressing planning-related matters raised in the Application, namely:

- (1) Excessive overdevelopment and inadequate infrastructure to cope with same;
- (2) Overbearing scale & bulk and loss of residential amenity; and
- (3) Applicant’s failure to address An Bord Pleanála’s (the “Board”) refusal reasons in respect of Reg. Ref. SD20A/0142, and the persisting traffic hazard concerns present under a planning application for a residential development of a similar scale submitted to SDCC (i) on 24 June 2020 under Reg. Ref. SD19A/0198; and (ii) on 23 December 2020 under Reg. Ref. SD20A/0142, both of which were refused by SDCC and the Board.

2.2 Excessive Overdevelopment and Inadequate Infrastructure to Cope with Same

- 2.2.1 The protection of Character Areas is central to the main goal of increasing densities in towns where **good transport links are available**, along with jobs and close links to retail and community services.
- 2.2.2 In my anecdotal experience, Lucan Road (the proposed location for access into the Proposed Development) experiences heavy congestion with commuters, school-time traffic, buses, pedestrians, church-goers and **thousands of** school children¹:
- (a) All bus routes (C3, C4, C5, C6 and L54) which serve the bus stop (situated 500m from the subject site) travel between the university town of Maynooth and Dublin City Centre, with limited or no radial routes offered. For example, by the time town-bound buses reach Lucan during morning rush hour, they are at maximum capacity and it is lottery as to whether the bus will stop / commuters will manage to squeeze aboard;
 - (b) The closest railway stations are located 4.3km and 4.6km from the subject site, respectively (at Adamstown and Clonsilla); and
 - (c) Lucan Road does not have dedicated cycle lanes and can be a hostile environment for cyclists. Indeed, there is no historic or current Part 8² application in this area at present. Large-scale upgrades – at significant cost and disruption – to the Lucan road network including the addition of cycle lanes are required, in order to explain and justify the under-provision of car-parking spaces in the Application. Indeed, the failure to conduct a car-parking survey is a stark oversight from the Applicant.

2.2.3 Ultimately, Lucan's public transport service is far from being in fine working order. Lucan – *unlike* most suburban towns on the outskirts of Dublin – is neglected / is not serviced by either a Dart or Luas line. Similarly, there are no dedicated cycle lanes to make cycling a viable alternative to driving.

2.2.4 As such, the Proposed Development cannot rely on the density objectives of the national or regional plans, as it is taking place in a small outer suburban area distant from a frequent public transport service and/or adequate infrastructure to cope with same.

2.3 Overbearing Scale / Bulk and Loss of Residential Amenity

2.3.1 The Proposed Development represents overdevelopment of the site due to the following impacts on existing residents:

- i. overbearing impact;
- ii. visual obtrusiveness;
- iii. severe injury on residential amenity; and
- iv. loss of privacy.

From my unique experience of the subject site, I can fully attest to the overbearing impact and visual obtrusiveness that the Proposed Development would have. It would be catastrophic for no.4 the Cloisters and surrounding buildings.

¹ There are 4 primary schools and 2 second-level schools nearby.

² Part 8 of the Planning and Development Regulations 2001 (as amended).

- 2.3.2 The Application seeks a total no. of units of 19. This Observation notes that this reduction is merely cosmetic as against Reg. Ref. SD19A/0198 and Reg. Ref. SD20A/0142 and would do very little to address the overbearing, overshadowing, bulk, visual obtrusiveness and loss of residential amenity.
- 2.3.3 The Applicant has not made a reasonable application and demonstrates a disregard of residential amenity of existing residents and character of the surrounding area.
- 2.3.4 The commercial and societal benefits of a couple of extra apartments on the 4th storey of the Proposed Development **do not outweigh** (i) the devastating impact that the 4th storey would have on no.4 The Cloisters and nearby neighbours; and (ii) the damage to the residential amenity of the community with regard to overbearing and loss of privacy.
- 2.3.5 The following images show how a 3-storey development would look as compared to the Proposed Development. The negative impact on **overshadowing, overbearing, residential amenity would be diminished considerably**. It would also tie in better with the height of buildings in, and character of, the local area.



Visual of the Proposed Development showing bulk and overbearing nature of 4-storeys.



Visual of a 3-storey development and the corresponding reduction of bulk and overbearing on neighbouring properties.

2.4 Traffic Hazard Concerns

- 2.4.1 The Proposed Development provides for access via Lucan Road.
- 2.4.2 Included with the Application is a haphazard and lackadaisical Stage 1 Road Safety Audit (the "Audit") prepared by Bruton Consulting Engineering Ltd. The Audit fails to:
- i. provide genuine or well-considered recommendations; or
 - ii. offer valuable qualitative or quantitative insight and/or analysis; or
 - iii. provide sufficient information to SDCC on which it could make a reasoned, well-informed decision.

It is startling and alarming that the Applicant (and the engineer that prepared it) would think the contents of the Audit are sufficient and convincing enough to address the

traffic hazard concerns raised by the Proposed Development. How this purported 'audit' could be considered acceptable or satisfactory to address the traffic safety concerns raised by the Board, needs to be questioned.

- 2.4.3 Traffic and pedestrian safety concerns persist. The angle of the proposed vehicular access to the site is too wide, and will inevitably result in entering vehicles failing to reduce speed to such a level to prevent traffic and pedestrian incidents.
- 2.4.4 An audit report of such poor standard as the aforementioned should not be entertained when it comes to such a serious safety matter involving vehicles, pedestrians and thousands of school children. This Audit should therefore be discarded in the interest of public safety.
- 2.4.5 A full and thorough traffic assessment needs to be carried out by SDCC before a decision is made. From my unique experience of living in 4 The Cloisters for a number of decades, failure to do so would be a stark oversight. As detailed throughout this Observation, traffic on the Lucan Road is already at maximum capacity.
- 2.4.6 It my anecdotal experience, the location of the subject site presents severe implications for all road users. There has been little or no regard for safety within the Application, which is particularly surprising in light of the fact that this is the 3rd application at the subject site in 3 years.

3. (Lack of) Reasonableness

Evident from the Proposed Development is:

- 3.1 the lack of genuine attempts at addressing the Board's refusal reasons;
- 3.2 the indifference to the current residents of the surrounding area, many of whom have enjoyed their privacy and use / enjoyment of the property they have resided in for over 35 years; and
- 3.3 that the Applicant has paid no heed to the prevalent statutory development plan for the area (South Dublin Development Plan 2022-2028) and has chosen to willingly ignore the many objectives and policies of the plan which deals with density, height, and traffic.

This Observation is not blind to the need for housing in Dublin. However, this must surely come with some deference to the current residents of No. 4 The Cloisters and Lucan Heights. ***Do they not (as a minimum) require certain basics / residential amenity as homeowners and long-time residents of Lucan?***

- 3.4 The designation of Character Areas to the village and surrounding suburban areas, which include the subject site, clearly demonstrates that the subject site is part of a defined character area of two-storey family residences on medium sized plots and on-site car parking spaces for one and two cars. In this respect, I would urge SDCC to consider SPPR3 of the ministerial Guidelines and the residential guidelines.
- 3.5 This Observation urges SDCC to consider carefully the contents of the Application (and the aforementioned observations at paragraph 3.3 against it), and how granting permission would be a precedent, and a *coup de grace* to proper planning and sustainable development in the area.

4. Final Observations

- 4.1 No. 4 Lucan Cloisters is located a mere **3 metres** from the shared southern boundary of the Proposed Development, which is a mere **1.882 metres** from the proposed apartment block itself. The impact of the Proposed Development would be catastrophic and do irreversible damage to 4 The Cloisters as a home, and the Appellants as a family, and long-time residents of Lucan.
- 4.2 Granting the Proposed Development on such a prominent and restricted subject site would be visually obtrusive and overbearing and would severely injure residential amenities in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development.
- 4.3 SDCC is urged to carefully consider and attach the appropriate weight to the contents of this Observation, together with the observations of Hughes Planning and Development Consultants and Michael O'Neill Planning and Development Consultants. The current residents of no.4 The Cloisters and the Lucan Heights area, cannot be rendered subservient in favour of the Proposed Development and its future residents.
- 4.4 The prevailing desperation to grant permission to Dublin-based developments has in recent times taken priority at the expense of, and regardless of the impact it will have on, current residents of Dublin. In mind of this, the overriding concerns of this Observation can be distilled as follows:
- 4.4.1 ***Inadequate Infrastructure to Cope with the Proposed Development.***
 - 4.4.2 ***Overbearing, Visually Obtrusive and Severely Injurious to the residential amenities in the vicinity.***
 - 4.4.3 ***Detrimental to the Character of the Area*** – something which SDCC is meant to be trying to achieve.
 - 4.4.4 ***Disregard of Current Residents.*** Why are the interests of future residents' of the Proposed Development being prioritised at the expense of current and long-time residents of Lucan, with no deference made for the latter?
 - 4.4.5 ***Previous SDCC and Board Concerns Not Overcome / Addressed.*** Why have the legitimate concerns raised by SDCC and the Board in previous submission(s) allowed to go unaddressed, and seemingly been lost into the ether?
 - 4.4.6 ***No Construction Management Plan.*** There has been a total disregard to the requirements as set out in the South Dublin County Development Plan 2022-2028, and to residents in the surrounding area. The South Dublin County Development Plan 2022-2028 provides that a construction and demolition waste management plan should be submitted as part of development proposals that comprise 10 no. units or more or if the development exceeds 1,000sq.m. The proposed development provides 19 no. residential units and would have a gross floor area of 1,655sq.m

No. 4 The Cloisters shares its boundary with the subject site and would be under constant siege from dust pollution and larger particles associated with the construction phase. The sheer proximity of Proposed Development (a mere 3 metres from the shared southern boundary with No. 4 Lucan Cloisters is deeply disturbing for the its residents (and justifiably so). The impacts of construction debris alone is a grave concern for the residents' health and well-being, and they need to know where they stand. It is foreseeable that an 'informal arrangement' could unfold allowing

articulated construction vehicles down the narrow, already congested Lucan Heights *cul de sac* during the construction phase.

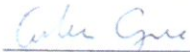
4.4.7 **No Car-Parking Survey or Mobility Management Plan.**

Why was no Construction Management Plan, Car-Parking Survey or Mobility Management Plan demonstrating mitigation measures associated with no. 4 The Cloisters, Lucan Heights and Lucan Road provided? How is this acceptable?

These factors – together with the haphazard and inadequate traffic assessment and safety audit – demonstrates a complete and utter disregard of current residents and unwillingness – bordering on arrogance – to engage with and carry out proper due diligence in respect of, what constitutes proper planning processes.

4.5 This Observation urges SDCC to consider carefully the contents of the Application, the content of this Observation (together with those of Hughes Planning and Development Consultants and Michael O'Neill Planning and Development Consultants) in objection to it, and how granting permission would set a precedent, and a *coup de grace* to proper planning and sustainable development in the area.

Yours faithfully



Graham J. Coyne
Solicitor, LLM, BA

Date: 12 September 2022

Graham Coyne
15, Sutton Court
Baldoyle
Co. Dublin

Date: 13-Sep-2022

Dear Sir/Madam,

Register Ref: SD22A/0324
Development: Demolition of an existing house; Ancillary outbuildings and the construction of 1 two to four storey building accommodating 19 apartments comprised of 6 one bedroom apartments and 13 two bedroom apartments; Vehicular access to the proposed development will be via Lucan Road with traffic calming measures onto Lucan Road; 11 car parking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925 hectares.

Location: Hillhouse, Lucan Road, Lucan, Co. Dublin
Applicant: Frances Dowling
Application Type: Permission
Date Rec'd: 08-Aug-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**