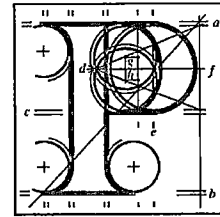


Our Case Number: ABP-314880-22

Planning Authority Reference Number: SD22A/0039



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Land Use Planning & Transportation

26 OCT 2022

South Dublin County Council

Date: 25 October 2022

Re: Demolition of 2 habitable structures and a row of 5 derelict structures, the construction of 22 houses, car parking spaces, vehicular and pedestrian access and associated site works.
Silveracre Bungalow, Whitechurch Road, Rathfarnham, Dublin 14.

Dear Sir / Madam,

Enclosed is a copy of two appeal 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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The Secretary,
An Bord Pleanála,
64 Marlborough Street,
North City,
Dublin 1.

Tuesday October 18th 2022

Pierce Mullarney,
49 Saint Patrick's Cottages,
Rathfarnham,
Dublin 14.
pmullarney@gmail.com

AN BORD PLEANÁLA	
LDG-	058375-22
ABP-	
18 OCT 2022	
Fee: €	220.00
Type:	CHY
Time:	
By:	hnd

Dear Sir/Madam,

I, Pierce Mullarney would like to appeal the decision of South Dublin County Council to grant permission in case reference SD22A/0039. I lodged an objection with SDCC to the original planning application.

I am appealing on my own behalf and my neighbour Sean Magann who lives in Number 50 St. Patrick's Cottages, a property adjacent to the site in question.

I am aware that initial observations will be forwarded to you by SDCC as part of the file, so I will try to avoid repetition and simply add some additional information/insight and queries that have come to light since the first application was lodged.

Elevation units 9-16 from the initial application (Drawing D0122-PL-HTD_d1-200 for PP shows a total height of 12.64 m.

F.I. Document 6606177 : Page 5 Para 3.2 1(a) A reduction in the height of the proposed dwellings to a maximum of three storeys.

Applicants response: The units are three storeys with a terrace at roof level...

The last sentence of the last paragraph of this document states: The overall roof height of the tallest homes under this application is 12.26m....

I am led to believe that they are trying to say that they have reduced the number of storeys to three but only dropped **38cm**.

If 38cm constituted a 'storey' they should be applying for permission for 32 storey constructions.

Should they introduce three or four levels of roof terrace as these do not by their definition constitute storeys. Are the areas of the roof terraces included in the total floorspace figures presented for these 3/4 storey buildings? Oops, I have inadvertently used the same description (3/4) as they used so cunningly in the initial application. That illusion seems to have been dropped in the documents submitted as significant revision and height reduction 'as agreed'.

Private open space for No. 8 shows 52 sq. m at the rear and a total figure of 72 sq. m. is stated where the minimum required by SDCC is 70 sq. m. for a four bedroom private dwelling so we now discover that the purpose of the roof terrace is primarily to meet the standard guidelines on Open Space, not solely as an amenity to be enjoyed by the resident. So any kind of patchwork quilt of open space would therefore be technically approvable as long as the total met the requirement. Might I suggest that they revise their entire approach and submit a plan that has genuine useable open space and that the overall height be lowered to a level in sympathy with the surrounding dwellings. It would mean less impressive figures for floorspace but as an agreeable development which was seen to be attempting to integrate with the existing surroundings. They throw in endless

amounts of waffle including a mention of the Yellow House, a commercial property from day one, but there is a complete lack of integration or sympathetic consideration no matter how impressive the language and description of the materials used on facades or rooves.

Page 7 also makes reference to other 'similarly designed' units in Dublin and Greystones. Are they suggesting that because a 3 or 4 storey construction is acceptable in one location that it must de facto be acceptable elsewhere, regardless of the surrounding dwellings or environment. Maybe the reference to Greystones explains why they used construction guidelines issued by Wicklow County Council. This is a reference to a query I made in my original objection. There was no explanation forthcoming regarding this anomaly.

The sheer bulk, the overwhelming presence as visualised in their photo montages absolutely destroys the entire aspect as currently presented on this road. The proximity to the road itself invites a description of overhanging the path even after reducing the height of the two buildings nearest the road. The fact that they made that effort shows an admission that the height is a significant (OVERBEARING) feature

The density of this proposal is a singular problem. In a report on an application relatively close by, ABP 313059-22, reference is made to Policy H3 SL01 as limiting development to eleven per hectare in areas defined by SDCC as suitable for residential development. The total space this site covers is 0.35 hectare. Does Policy H3 SL01 not apply in this instance.

The submission by David Slattery consultants states that the height of these (3 1/2) storey buildings, in a paragraph titled 'Comparative height' to be a marginal increase...'. Marginal can mean anything. If they don't clearly state the difference, which I would describe as considerable, it begs the question: Why? It appears to be several meters.

The drawing on page 5 of this document clearly shows the buildings are at least a third higher than the adjacent property situated between the site and the Mill House.

Two illustrations Fig. 14 a. and 14 b. are identified as being "not to scale". Why not? The answer is obvious.

There are numerous illustrations of other 3 storey and even a 3/4 storey building which are supposedly included to influence the planners of their compatibility. Why not use an example from Cork, from London, from Bangkok. These examples are in very different locations and should have no bearing on the lack of integration and the unacceptable height as manifestly unsuitable in this location.

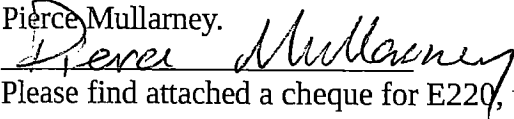
Apart from the protected structure, The Mill House, there no three storey buildings in the area, and certainly no 3/4 storey dwellings.

SD 21A/0246, SD22A/0069 and SD22A/0136 are planning application lodged recently in the locality. The tallest with 2 1/2 dormer style is below nine metres. These proclaimed three story houses are over 30% higher. This height is not acceptable in the area. There is no question but that they would be setting a precedent so far deemed unacceptable.

At around 2000 sq ft. these houses are also considerably larger than the average in the area which are nearer half that. The development is completely out of character for this neighbourhood.

Yours etc.

Pierce Mullarney.



Please find attached a cheque for E220, the fee required in this appeal.

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

Pierce Mullarney
49, Saint Patrick's Cottages
Dublin 14

Date: 16-Mar-2022

Dear Sir/Madam,

Register Ref: SD22A/0039
Development: (a) The demolition of two existing habitable structures on site including a bungalow (Silveracre), an existing cottage (No. 6 Whitechurch Road) and a row of 5 derelict structures/cottages located along the western boundary of the site (extent of proposed demolition is 433sq.m) (b) the construction of 22 4 bed, 3-4 storey units ranging in size from 197sq.m to 214sq.m, all with associated private balcony/terrace areas. Vehicular and pedestrian access is proposed via new entrance on Whitechurch Road. The proposed development shall provide for 44 car parking spaces, a new single storey bicycle storage shed (approx 34sq.m) and provision of bin storage to be provided at the front curtilage of the dwelling for all terraced units, all boundary treatment, all site services and all associated site works.
Location: Silveracre Bungalow, Whitechurch Road, Rathfarnham, Dublin 14.
Applicant: Dungrey Limited
Application Type: Permission
Date Rec'd: 10-Feb-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**