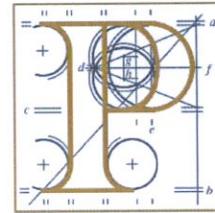


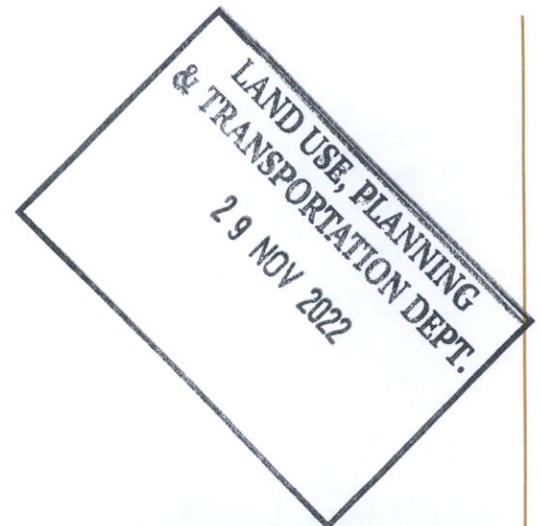
Our Case Number: ABP-315182-22

Planning Authority Reference Number: SD22B/0328



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 28 November 2022

Re: Two storey granny flat on the side.
48, Dargle Wood, Knocklyon, Dublin 16

Dear Sir / Madam,

Enclosed is a copy of an 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
Glaio 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

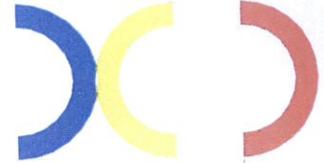
5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. 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 under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your

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D01 V902	D01 V902

David Cullen Architectural Design

Architect, Chartered Building Surveyor MRICS MSCSI, MRIAI
Ballygunnertemple, Waterford
Tel/Fax 051 382001 087 238 7826 e: david@davidcullenarchitect.ie
w:davidcullenarchitect.ie



The Secretary
An Bord Pleanála,
64 Marlborough Street
Dublin 1

22nd Nov 2022

AN BORD PLEANÁLA	
LDG-	<u>0501389-22</u>
ABP-	_____
23 NOV 2022	
Fee: €	<u>220.00</u> Type: <u>cheque</u>
Time: <u>9.48</u>	By: <u>hand</u>

Objection to granting by SDCC P Ref No SD22B/0328 Two storey granny flat on the side of 48 Dargle Wood, Knocklyon, Dublin 16 Applicant Bernadette Lea.

Agent: David Cullen MRIAI Ballygunnertemple, Grantstown, Waterford

on behalf of

3rd party Appellant: Mary Kennedy, No 47 Dargle Wood, Knocklyon, Dublin 16.

Chief Exec Order Date 27/10/22

Final Date for Submission of Appeal 23/11/22

Enclosures:

- Cheque for €220.00 (Fee Category A9 third party appeal)
- Copy of SDCC Acknowledgement Letter.
- Copy letter SDCC Minutes of Meeting 9th Feb 2004 Proposed disposal of site at rear of No 48,49 and 50 Dargle Wood J Horan County Manager

Dear Planning Officer,

On behalf of my client, I wish to appeal the decision of South Dublin County Council to grant permission on the above planning application specifically Condition 1, on the grounds that the proposal, effectively a new two storey dwellinghouse on a previously extended dwelling now effectively 3 houses is overlooking and overbearing on my client's site and is seriously injurious to her enjoyment of her dwelling and private open space at No 47.

My client does not object in principle to an extension on the extension of the neighbours dwelling, which could be more sensitively designed and well considered avoiding the blatant overlooking by using a single storey unit as the enlarged site can accommodate it and more appropriate for persons in their senior years whom we believe will occupy the proposed extension, however she is very worried and concerned about the loss of her privacy should the proposal proceed in its current configuration.

Simple measures can solve the overlooking issue to respect the rights of my client.

The impact on the quality of life of my client is not to be taken lightly. Pervasive surveillance and the idea one is being watched is not a pleasant experience. She enjoys her garden and should be allowed to continue her enjoyment without interference from overlooking and overhearing.

The first floor bedroom fenestration of the proposed extension is the overriding issue.

It has full height inward opening glazed french doors with a glazed external guarding. This fenestration is not typical for a bedroom, more appropriate for daytime living accommodation, where doors will be opened and occupants will sit/stand and enjoy their evening listening and surveilling all below.

If this room is indeed a bedroom then the full height glazing is also a problem for the occupants of No 48. where they would live behind heavy curtains. It is poor design for both parties.

The impact of this balcony door is demonstrated in the photos below, which are taken from a scaled model developed from the scaled planning drawings submitted. The images are accurate and show without doubt the issues at hand.



Image 1. Direct overlooking into Mrs Kennedy's garden

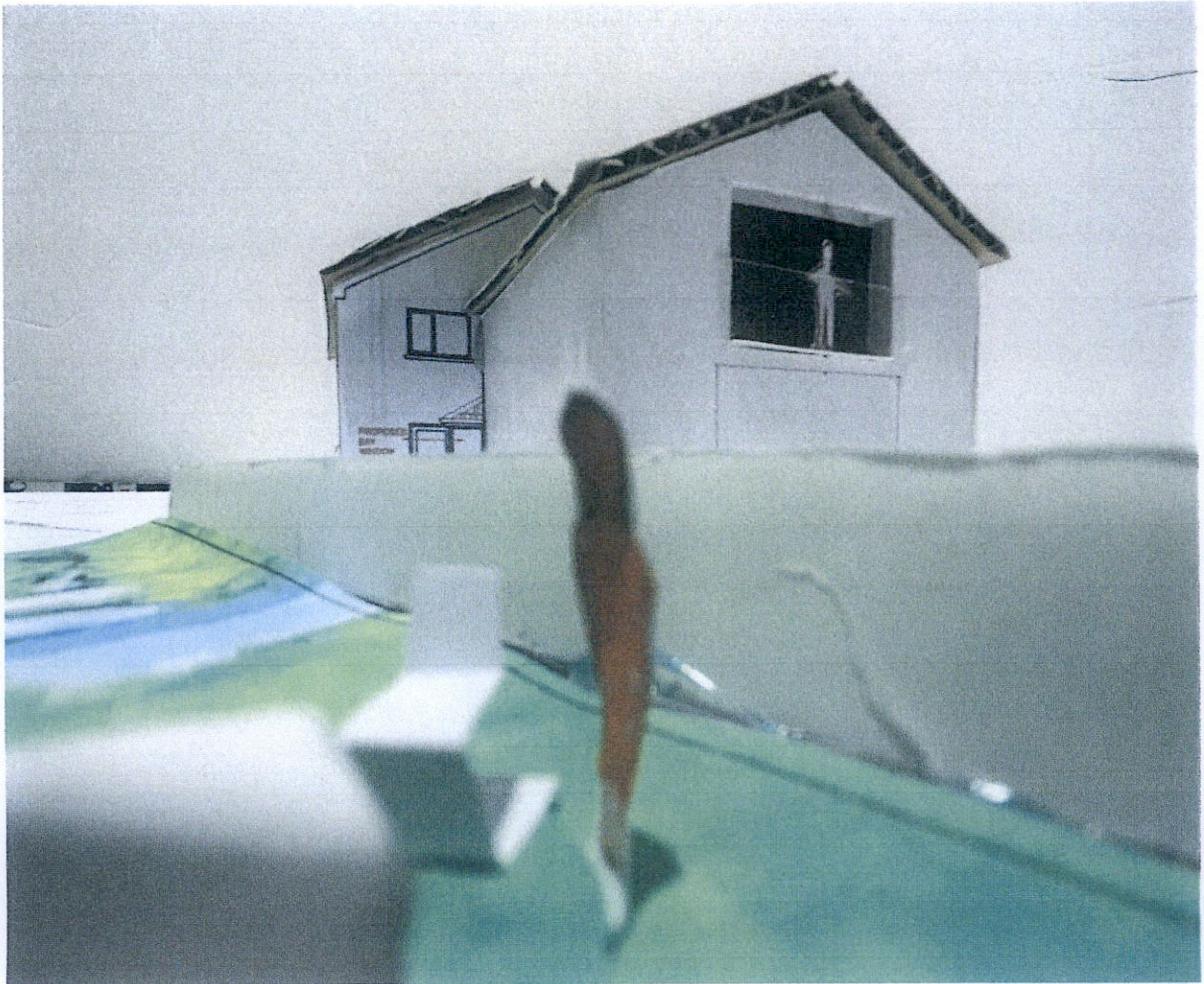


Image 2.

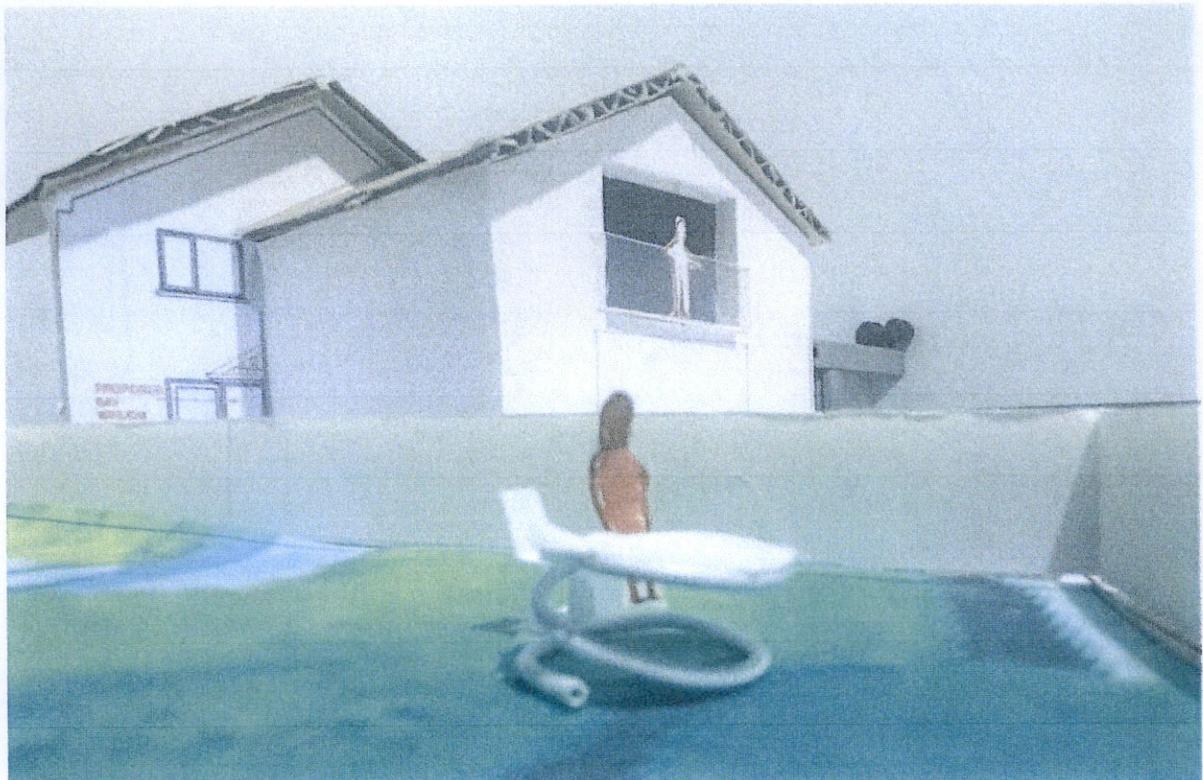


Image 3



Image 4

The design of the first floor opening will allow the occupants to open their doors and stand against the glazed guarding surveilling all. Adult private conversation in my Client's garden will be impacted to the point, where areas of my clients garden will become sterilised.

Proper planning and development of the site should remove the first floor south facing doors.



Image 5

Neighbours view into Mrs Kennedy's garden from the first floor french doors of their bedroom. This view is accurate and demonstrates by clients concerns very clearly.

This should not be allowed to occur.

We hope that An Bord Pleanála will impose conditions protecting my clients right to privacy and amenity of her private open spaces.

Options are

1. **Overturn Condition 1 and remove the south facing large first floor balcony doors entirely as there is ample daylight from the east facing window in the proposal. Blank gable at first floor south elevation.**
2. **Remove the first floor extension and redesign a single storey extension. Persons in their senior years will require assistance and have mobility issues- it is not sustainable to have a first floor bedroom. Ground floor living with easy access to open space and all facilities is the way to go for older people to extend their active lives.**

This proposal is in conflict with South Dublin County Council Development Plan 2022-2028 Residential extensions

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12 implementation and Monitoring and the guidance set out in the SDCC house extension design guide 2010

A review of SDCC House extension design guide policies

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

3 criteria outlined in the guideline

1. Will the extension have an overbearing impact? **Absolutely Yes see image 3.**
2. Will it significantly overshadow the neighbouring property? **Yes in summer early morning sun is blocked**
3. Will it reduce privacy below reasonable levels? **Absolutely Yes 5m separation.**

SDCC Planning Dept have taken the view that *there will be no undue overlooking from the proposed windows on the south elevation.....* Any reasonable person can see that there is clear overlooking.

Brief history

My client purchased her property at No. 47 Dargle Wood, Knocklyon, Dublin 16 during 1983.

To the left of No. 47 stands No. 48 Dargle Wood, which is a south facing property. This property at that time (1983) had an extension to the side and a lean to glass extension to the rear.

During 1998 her neighbour informed her that he wished to build a **2 storey extension** to the side of his property and demolish the existing extension. (See photo below)
(First 2 storey extension same size as original dwelling)



Image 6

The boundary of his property was surrounded with large conifers which enabled both parties to glean privacy for each dwelling. However, on completion of the property said neighbour removed all trees around the boundary line at side and back of his property, leaving her property exposed to overlooking with three large windows overlooking her property to the side of her home. This was an oversight on her behalf as one she had not anticipated that all the trees would be removed.

During 1998 She was forced to plant conifers to the side of her property to glean back some element of privacy on her property. This is not ideal and with appropriate quality design could have been avoided.

I refer to a letter

- **Copy letter SDCC Minutes of Meeting 9th Feb 2004 Proposed disposal of site at rear of No 48,49 and 50 Dargle Wood J Horan County Manager**

Note in Terms and Conditions Item 5. attached to the above letter the future use of the lands subject to the lease to be restricted to garden purposes only.

This condition has not been adhered too.

Section 2.6.8. Residential Consolidation

The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwellinghouse-

The original dwellinghouse had a floor area of 107m²

The 2 storey extension increased the floor area to 212m²

The proposed extension is 97m²

Total floor area 309m²

If one measures the granny flat against the original dwelling less extended part the 50% is now 90% of the original dwelling.

The SDCC description of the site and surroundings is omitting important information. *The subject site is located within the Dargle Wood residential estate of Knocklyon. The subject dwelling is a two-storey semi detached dwelling with a pitched roof at the end of a cul-de-sac. The rear of the property faces onto public open space.*

This description errs a little, the rear of the property faces onto their own private open space which is extensive for a semi-detached house.

The south facing side of the proposed extension overlooks my clients garden and public open space beyond.

There is no acknowledgement that the house has already been extensively extended.

No acknowledgement that the south gable overlooks my client's private open space.



Image 7

Overlooking and Loss of Privacy

The extension directly overlooks the private open garden space of her dwelling

The image below shows the footprint of the proposed extension and sightlines from the first floor gable window overlooking her garden. This is a serious case of overlooking her garden.



No 47

No 48

Image 8

We appeal to An Bord Pleanála to omit the south facing french doors from the proposal.



Image 9

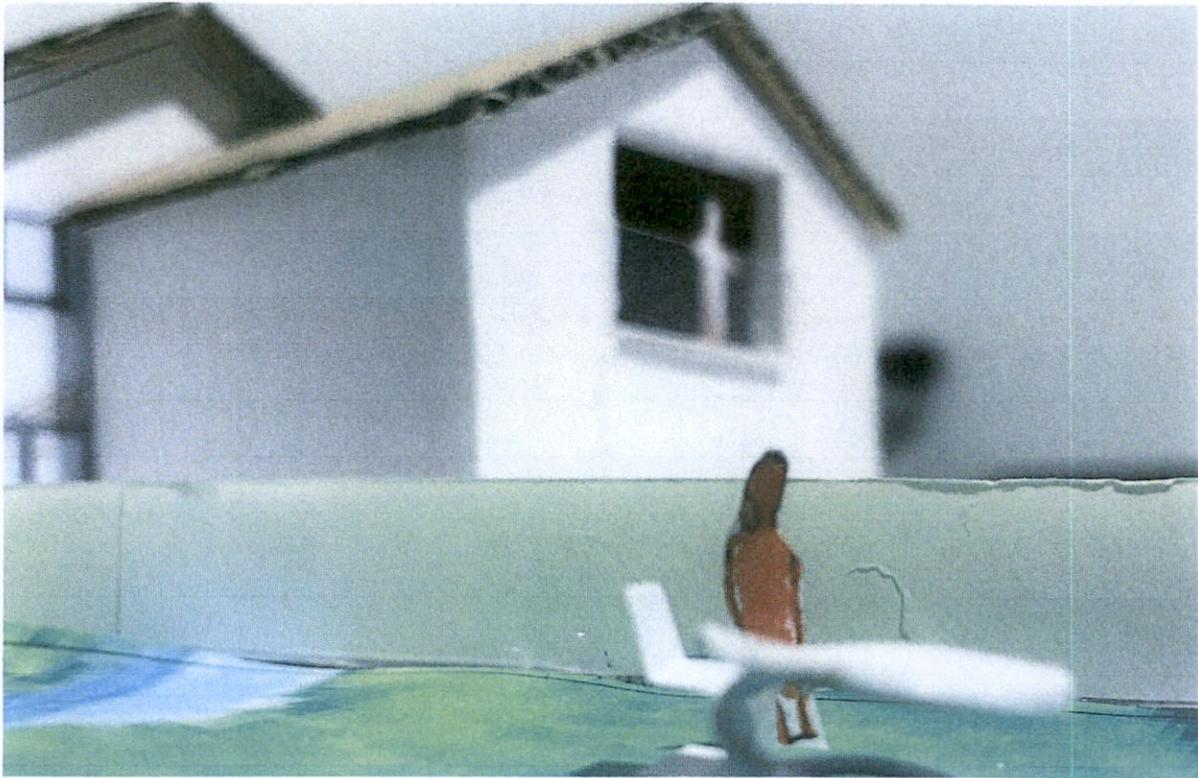


Image 10

Overbearing Impact

The proposed extension if constructed will have an overbearing presence that could be avoided with a more sensitively designed extension. Universal access has been ignored in the proposal.

The overbearing impact of the proposed extension is experienced when there is a separation distance of 5m between the first floor french doors and the garden dining area.

Devaluing of No 47.

This proposed development would impinge on the day to day quality of my clients life. She is planning retirement after many years working full time in her community of Templeogue and Tallaght, and of working in a voluntary capacity for South Dublin County Council Volunteer Corps since 2011. My client is rightly entitled to retire in peace and enjoy her dwelling and private open spaces.

My client has expressed her fear that she will have to sell and move elsewhere if the privacy issue is not addressed.

The impact of the proposed extension will de-value her property as the overlooking is real. Having to relocate would be a tragedy for my client who is not at fault.

The intensification of the site would have the knock on impact of additional car parking requirements in the cul de sac. SDCC do not assess the additional car parking requirements generated by family flats. In the real world people have to park their cars and this problem could have been addressed at design stage.

People have to get on and live beside each other but with respect for other's rights to enjoy their dwelling.

I hope that the above submission is adequate to allow An Bord Pleanala overrule SDCC on aspects of this application as the proper planning and development of the area has not been achieved.

I look forward to your decision on this application.



David Cullen MRIAI MRICS MSCSI
on behalf of Mary Kennedy, 47 Dargle Wood

Attachments below

Submission acknowledgement letter from SDCC

Mary Kennedy
47, Dargle Wood
Knocklyon Road
Dublin 16.

Date: 10-Aug-2022

Dear Sir/Madam,

Register Ref: SD22B/0328
Development: Two storey granny flat on the side.
Location: 48, Dargle Wood, Knocklyon, Dublin 16
Applicant: Bernadette Lea
Application Type: Permission
Date Rec'd: 15-Jul-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.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 contents of a planning application.

Yours faithfully,

M. Furney
for Senior Planner

COMHAIRLE CHONTAE ATHA CLIATH THEAS

SOUTH DUBLIN COUNTY COUNCIL

Minutes of South Dublin County Council meeting held on 9th February, 2004

PRESENT

Councillors

Ardagh, M
Billane, M
Daly, J
Daly, M
Doherty-Ryan, D
Dowds, R
Hannon, J
Keane, C
Keating, D
Kenny, V
King, C
Lahart, J
Laing, S

Councillors

McCarthy, F
McGrath, C
Mackin, D
Maloney, E
Murphy, M
O'Brien, S
Ridge, T
Ringland, P
Smyth, R
Tipping, D
Tuffy, E
Tyndall, C
Walsh, E

OFFICIALS PRESENT

County Manager	J Horan
Directors / Heads of Function	T. Doherty, P. Smith, K. Kennedy, P. Poole, J. Walsh, B. Hickey
Director of Transportation and County Engineer	F. Coffey
County Architect	B. Brennan
Senior Parks Superintendent	C. Boylan
Senior Executive Officers	F. Nevin, H. Hogan, P. Murphy, E. Cunningham, M. Judge, A. Jacob, M. Kelly
Senior Engineer	J. McLoughlin D. Lakes, M. Glynn
Senior Executive Engineer	M. Keating
A/Senior Staff Officer	G. McManus
A/Staff Officer	C. Manning
Assistant Staff Officer	

The Mayor Councillor M. Ardagh presided.

(C/0102/04) **PROPOSED DISPOSAL OF SITE AT REAR OF NOS. 48, 49 AND 50 DARGLE WOOD, KNOCKLYON - MR. BRIAN LEA/MR. MARTIN C. NOLAN**

The report by the Manager which was circulated was **CONSIDERED:**

"An application has been received from the occupants of nos 48, 49 and 50 Dargle Wood, Knocklyon to purchase a portion of Council owned land at the rear of each respective property for incorporation into their existing gardens. Following negotiations with the Council's Valuer, it transpired that the occupant of No. 49, Ms. Mary Scully, did not wish to proceed. However, written confirmation has been received from her stating that she has no objection to her neighbours on either side, Mr Lea and Mr Nolan, incorporating the area behind her house into the area being acquired by them.

Mrs Scully

Accordingly, I recommend that the Council dispose by way of lease of an area measuring approx. 391 sq. metres in total spanning the rear of nos 48, 49 and 50 Dargle Wood, Knocklyon to Mr Brian Lea and Mr Martin Nolan, the owners of Nos 48 and 50 Dargle Wood respectively, in accordance with Section 211 of the Planning and Development Act, 2000 and subject to the provisions of Section 183 of the Local Government Act, 2001 subject to the following terms and conditions as recommended by the Council's Valuer -

1. That the area of land to be disposed of is as follows:
Area shown outlined in red on Drawing No. DEV.6069A comprising 314 square metres (0.078 acres) or thereabouts to owners of No. 48 Dargle Wood
AND
Area shown outlined red on Drawing No. DEV 6069-2A comprising 77 square metres (0.019 acres) or thereabouts to owners of No. 50 Dargle Wood
2. The land to be disposed of by way of a Lease for a term of 99 years for the following considerations
€5,300.00 (five thousand three hundred Euro) in respect of the portion applicable to No. 48 Dargle Wood
AND
€1,300.00 (one thousand three hundred Euro) in respect of the portion applicable to No. 50 Dargle Wood.
3. The rent reserved in each Lease shall be €1 (one Euro) per annum if demanded, to be reviewed every five years and linked to the Consumer Price Index.

4. That an appropriate boundary wall be constructed by the Lessees, the specification for which is to be agreed with the Council's Parks Superintendent and Roads Engineer.

~~5.~~ That the future use of the land the subject of each Lease be restricted to garden purposes only. *

6. That each party be responsible for its own legal and other costs in the matter.

7. The Lease in each case to include such other conditions as are deemed appropriate by the Council's Law Agent in leases of this type.

8. No agreement enforceable at law is created or intended to be created until exchange of contracts has taken place.

The lands being disposed of are part of lands acquired from Abbey Properties Ltd in 1976 for road improvement purposes.

J. Horan.
County Manager."

The report was NOTED.

END.

