

OBSERVATION / OBJECTION

35 Delaford Avenue
Knocklyon
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December 21st 2022

South Dublin County Council
Planning Department
County Hall
Town Centre
Tallaght
Dublin 24

Development: The provision of 4 no. 5 bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works.

Location: Knocklyon Road, Knocklyon, Dublin 16.

Applicant: Pathway Homes Ltd.

Planning Ref No. SD22A/0444

Dear Sir/Madam,

LAND USE, PLANNING
& TRANSPORTATION DEPT.

21 DEC 2022

We John Connery and Marie Connery are hereby submitting an observation / objection in relation to the above planning application and we are enclosing the appropriate fee of €20.

Background

The Knocklyon housing estates were built in the early 1970's with the Delaford area being the last of the McInerney built houses to be constructed and we moved in to No. 35 Delaford Avenue on July 12th 1975. The houses are predominantly two storey three bedroom semi-detached with low pitched 25 degree roof pitches and are intermixed with a lesser number of low roof pitched two bedroom bungalows. The overall development was laid out in separate areas such as Delaford, Idrone, Knocklyon etc. with each area accessed separately and each area provided with its own dedicated open space interconnected by pedestrian walkways leading to the school, church, community and shopping facilities. The area of the proposed development has long established use of nearly fifty years as Public Open Space that is dedicated to South Dublin County Council it serves Delaford area and is shown and

denoted Play Space on our house purchase agreement map and Land Registry map attached to our property title documents from 1975. It is included in and is an integral part of the Planning Permission for the estate that was granted by Dublin County Council and denoted Play Area on the plans. In the case of a very similar application Ref. SD07A/0995 Planning Permission was refused by An Bord Pleanála on the grounds that:

“The proposed development would contravene materially a condition attached to an existing permission for development namely, condition number 14 attached to an existing for development namely, condition number 14 attached to the permission by the planning authority on 1st day of August 1972, under planning register reference number D2402, in that the site of the proposed development constitutes part of the public open space provision for the existing development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”

Open Space

The proposed development is located on Public Open Space that has established use as such over almost fifty years, that is dedicated to the Council and is for the benefit of the existing Delaford area. Under this proposal the Public Open Space is to be consumed by the proposed development leaving the existing Delaford area without any dedicated open space as originally approved and provided. Furthermore the remaining strip of ground outside the back boundaries to Knocklyon Heights is proposed to be the open space for the proposed development albeit that this is no more than a sloped wide grass verge inside the existing footpath that is unusable as open space in any meaningful way. It is however a further removal of open space allocated to the existing Delaford area as if the existing area no longer existed. In response to various enquiries submitted to South Dublin County Council the residents were advised that this Public Open Space that is the subject of this application could never be considered for development and in written responses it was stated that: “this area of land has been dedicated to the Council as Public Open Space is being maintained on a regular basis by our Parks Department and not identified as a problem area” and a further written response from South Dublin County Council stated that: “the area of land in question is dedicated to the Council as Public Open Space and it also provides a valuable visual break along the re-aligned Knocklyon Road” The statement by the applicants that the proposed development “will utilize a currently under utilized site” is presumptive and is incorrect in its description of “site” as it is a dedicated Public Open Space as previously described by South Dublin County Council. It seems that the framing of this entire application displays a total disregard for the adverse impact on the existing residential amenity and residents. The existing dedicated Public Open Space is in reality being more utilized by the increasing numbers of grandchildren in the area and indeed by the increasing numbers of children due to new young families moving in. Furthermore it is used for activities from smaller dog exercise to passive wild life observation to the enjoyment of its visual open aspect and it is used as much as any other such open space in the locality. Certainly it was under utilized over the last year as it was not available for use due to being taken up as a car / van park during the course of construction of the new Knocklyon Gaelscoil. The statement by the applicants that the proposed development “is considered a positive contribution to the local streetscape” is also contrary to the previous written statements from South Dublin County Council that the “Public Open

Space provides a valuable visual break along the realigned Knocklyon Road". This proposal could in no way be considered a positive contribution to the local streetscape. Clearly in the wider context if permitted this development would set a precedent for development of all other open spaces dedicated to other areas in the overall estate and beyond.

Land Ownership

The stated ownership to the land is questionable based on previous written responses from the Council to residents that: "this area of land has been dedicated to the Council as Public Open Space is being maintained on a regular basis by our Parks Department and not identified as a problem area" and "the area of land in question is dedicated to the Council as Public Open Space and it also provides a valuable visual break along the re-aligned Knocklyon Road". These responses followed submissions from residents to the Council about this area of land. At that time the land was in the ownership of Thomas McInerney & Company Limited and their response to the residents was that its use could not be changed without firstly obtaining consent from the Council as it was dedicated to the Council, secondly obtaining consent from the landowners, Thomas McInerney & Company Limited and thirdly obtaining Planning Permission to alter its status as it would be a material alteration of the Planning Permission for the estate. The questions that arise are: (a) at what point was the original Planning Permission for the estate materially altered to exclude the dedicated Public Open Space denoted as Play Area, (b) at what point was it or is it agreed to no longer be required as Public Open Space (c) at what point was it or is it agreed to change its status from dedicated to the Council to no longer being dedicated to the Council, (d) to what extent was or is the agreement of dedicated to the Council a legally binding agreement. (e) has the Council relinquished or entered an agreement to relinquish its dedicated to the Council interest in the land, (f) although not directly related to the ownership what has happened to change: "the Public Open Space provides a valuable visual break along the re-aligned Knocklyon Road" to that valuable visual break becoming no longer relevant. Surely with the recent addition of the new three storey Knocklyon Gaelscoil it is an even more valuable visual break on Knocklyon Road.

Zoning

The site is zoned "Existing Residential" in South Dublin County Council Development Plan 2022 to 2028 the objective of which is to: "to protect and or improve residential amenity" and furthermore it states in the Implementation Monitoring Document that: "it should be ensured that residential amenity is not adversely impacted as a result of the proposed development" The proposed development does not meet these objectives as it does not protect or improve existing residential amenity and existing residential amenity would be adversely impacted as a result of the proposed development.

Design

In terms of the design the proposed development is inappropriate in the context of the existing surrounding residential development and the approach is to parachute in an

oversized design and try to shoe horn it into an undersized plot of ground that is not adequate to accommodate it without reduction of design standards such as separation. Notwithstanding that the plot of ground is a dedicated Public Open Space the design is totally inappropriate and out of scale with the existing surrounding residential development in terms of separation, height, scale overlooking and many other issues. Again notwithstanding the status of the plot of ground in question a nearby example of a good and sensitive design approach can be seen in the case of Templeroan Mews, Templeroan Road and to the rear of 11 to 22 Templeroan Crescent, Register Reference S98A/0854. In this case the design, height, scale, pleasant streetscape and freedom from overlooking, overshadowing, and obliteration of direct sunlight as well as having one combined vehicular access was all achieved. In our personal opinion Templeroan Mews is a good example of how an infill development can be achieved without adversely impacting on the existing surrounding residential amenity. In this instance the design is sensitive to its surroundings as opposed to the proposed development that if permitted would certainly adversely impact on the existing surrounding residential amenity.

Separation

The existing houses were constructed to comply with the requirement for a minimum 22 metres between the opposing first floor windows and that remains a requirement of South Dublin County Council Development Plan 2022 to 2028. However it is proposed in this application to reduce this from 22 metres to 19.240 metres, a reduction of 2.760 metres (9 feet) that is a lesser design standard than that of the existing houses that were originally built backing onto one another and that would overwhelmingly impact adversely on the existing houses. The distance at the rear to the existing boundary walls is shown as 8.598 metres as opposed to design standard of 11 metres and the elevated single storey projection to the rear is as little as 5.686 metres from the existing boundary walls of the existing houses. The proposal to provide bedroom roof windows to the rear roof slopes of the proposed houses is not the norm as other developments in the surrounding area have roof windows and dormer windows facing to the front only apart from bathroom roof windows. The proposal to have bedroom roof windows facing onto the existing houses to the rear has the effect of the proposed houses being a three storey development in terms of overlooking and privacy. These attempts to impose reduced standards shows little regard for the adverse impact on the existing residential amenity and existing residents and is contrary to the zoning objectives of ensuring that residential amenity is not adversely impacted as a result of the proposed development.

Height – Overlooking & Overshadowing

The proposed houses are significantly higher than the existing surrounding houses given that the existing ground is higher than the existing rear gardens of the existing houses and the proposed floor levels are further elevated. The proposed houses are higher due to the ground floor levels being raised above the existing ground levels, increased floor to ceiling heights, greatly higher roof pitches and greatly increased ridge heights. This height difference is evident from the contextual elevation drawings. In the case of the proposed houses to the rear of our house number 35 Delaford Avenue and the adjoining house number 33 the proposed ridge height is indicated to be 80.795 metres and the existing ridge height of the existing houses is

indicated to be 77.170 metres a difference of 3.625 metres (12 feet) To put it in context the view standing at the proposed ground floor windows would be above the existing boundary walls while the first floor window sills of the proposed development would be above the height of the existing window heads of our house No.35 Delaford Avenue and other houses. The proposed bedroom roof windows would be above the existing roof ridge height with a birds eye view down into the existing rear gardens. In the case of other houses the proposed ridge height would be 5.855 metres (almost 20 feet) above the existing ridge height. This would be out of all proportion with the existing surrounding development coupled with the proposed reduced separation between the proposed houses and the existing houses from the requirement of 22 metres separation to 19.240 metres. Also the ground floor windows would be overlooking and within 5.686 metres (18 feet) of the existing boundary walls of the existing houses. As the height relationship between the existing rear gardens and the proposed rear gardens is not clear there would most likely be overlooking over the walls from the proposed rear gardens resulting from levelling and re grading the existing ground level. These issues are again an indication of what little regard has been given to the adverse impact on the existing residential amenity and existing residents of nearly fifty years. This proposal if permitted would be a gross intrusion in the privacy of our home and other resident's homes. Regardless of whatever case is presented we know from living here for nearly fifty years that direct sunlight will be affected that will adversely impact on existing residential amenity. The direct sunlight from later afternoon to sunset will be completely obliterated. The mid afternoon sun already disappears behind the new Gaelscoil and re emerges lower down on the other side but this re emergence would be completely blocked by the proposed houses that are in affect three storey houses. Presently we have enjoyed direct sunlight to the rear of our houses up to final sunset going down behind the trees beyond the wall to the M50. This is the reality on the ground and anything to demonstrate otherwise is contrary to the facts.

Boundary Walls

It is proposed that the existing garden boundary walls to the existing houses would be retained and become shared boundary walls to the proposed development. These walls are nearly fifty years old are constructed of 100mm blockwork with block piers being a method of construction that is no longer acceptable for garden walls. The proposed development does not consider the stability of these walls that is highly questionable in the context of the disruption that would occur during the course of excavation and construction. Also our existing garden level is lower than on the existing ground on the side of the proposed development by about 0.4 metres in the case of our house No.35 Delaford Avenue further adding to the questionable stability of the walls in light of the proposed development. Other questions arise as to who would now be responsible for what would become shared walls, if the walls were to be raised or fences erected over the existing walls by the occupants of the proposed houses or the developers who would be responsible in the event of collapse or injuries incurred. The existing wall heights vary on the side of the proposed development in the case of our house number 35 Delaford Avenue from 1.65 metres to 1,85 metres so that any levelling and re-grading would either raise or lower the ground outside the wall but would most likely raise it. The application should include a series of sections to show the relationships at various points along the boundaries. It could be assumed that the ground would have to be raised if the proposed rear gardens were not to be

significantly lower than the proposed floor levels. In this event the existing walls would become retaining walls, the existing gardens would become even lower in relation to the other side that would further adversely impact on the stability of the walls and result in overlooking over the existing boundary walls. It would seem reasonable to expect that the proposed development would have been designed to include the construction of new boundary walls that would become the sole responsibility of the proposed development and accommodate the levelled and re-graded finished ground/garden levels without any increase in the existing overall wall heights.

Vehicular Access and Traffic Safety

The proposed vehicular access directly onto the Knocklyon Road is a serious safety concern as the proposed access is between two junctions, Knocklyon Heights & Knocklyon Road, Delaford Avenue & Knocklyon Road and the new Knocklyon Gaelscoil located directly opposite. Direct singular vehicular access from Knocklyon Road to individual houses is not a feature of Knocklyon Road and certainly not at this end of the road. Most of the existing direct singular accesses at the opposite Lansdowne Park end of Knocklyon Road will be from the closed off cul de sac road following the realignment of Knocklyon Road.

The movement of traffic around the Gaelscoil at school times is erratic to put mildly with cars pulling in and out, making U turns, car doors opening and is what is not uncommon around most busy schools. There has already been an accident at this location on 06/12/2022 involving two vehicles during morning school drop off time necessitating the attendance of the Fire Brigade, Gardai and Ambulance with one driver removed by Ambulance stretcher. Vehicles alighting from the proposed development opposite the Gaelscoil drop off / pick up lay by would contribute significantly to traffic accident hazards. Dr. Susanna Meade of Transport Infrastructure Ireland in a recent contribution in the book Housing in Ireland claimed that there is a 4% traffic accident risk increase for every new vehicular entrance created indicating that there could be a 16% increased traffic accident risk for the four singular proposed new entrances. Given that the proposed houses are larger five bedroom houses it would seem inevitable that they would be multiple car households leading to on street parking and further contributing to traffic accident risks. Furthermore it would seem inevitable that residents parking would take place on the school drop off / pick up lay by directly opposite forcing more drop off / pick up activity onto the road traffic lanes. There would also be increased hazard risks due to refuse collection trucks pulling up as well as delivery and service vans parking on the road. The proposed development would therefore contribute significantly to traffic hazard greatly increasing the risk of accidents particularly where the risk is already high where school children are involved.

Landscaping - Retention of Trees

The protection of the existing semi mature and mature trees along the grass verge on Knocklyon Road and to the rear the of the back garden boundary walls to Knocklyon Heights houses must be ensured. Several mature trees, many of them hundreds of years old have been removed in the area over the years and few are being replaced. Some very mature trees and Cherry Blossom trees had to be removed to make way for the new Knocklyon Gaelscoil and what is left in the area must be protected by

stringent means that must prevent early morning Bank Holiday weekend raids where trees end up gone and little can be done about it. From a landscaping point of view and as referred to elsewhere it is not clear where the levelled and re-graded ground of the proposed rear gardens would end up in relation to the existing boundary walls. The existing perimeter vegetation provides security protection to existing houses, contributes to bio diversity, shelters wildlife, adds to the privacy of the existing rear gardens and contributes to traffic noise reduction and its removal will further adversely impact on existing residential amenity.

Flood Risk

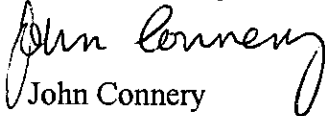
The risk of flooded and water logged existing rear gardens would be significantly increased as a result of the proposed development being permitted. The existing Public Open Space that is the location of the proposed development falls towards the existing rear garden walls of the existing houses in both directions. From Knocklyon Road towards the rear garden walls of house numbers 33,35,37 and 39 Delaford Avenue and from Knocklyon Heights towards the side garden wall of number 31 Delaford Avenue and the rear garden wall of number 21 Delaford Avenue resulting in the lowest point at the corner of numbers 31 and 33 rear garden walls. As previously referred to it is not clear from the proposal if the existing ground levels are to be lowered or raised for the purposes of levelling and re grading the ground around the proposed houses. This would have a significant affect from the point of view of potential flooding or water logging of the existing back gardens, as most of the back gardens are lower than the existing ground on the outside. In the case of our house number 35 Delaford Avenue the garden level inside the boundary wall is about 0.4 metres lower than the existing ground on the proposed development side and the ground at the rear wall of our house is about another 0.4 metres lower due to the sloped rear garden. Therefore the ground at the back wall of our house is about 0.8 metres lower than the existing ground that is the location of the proposed development. The application for the proposed development should have included sectional drawings showing the relationship between the existing houses, existing back gardens and existing boundary walls with the proposed development and this information should be sought before further consideration of the application. The existing grassed Public Open Space absorbs rainfall but still becomes water logged and soggy in the winter but if the proposed development is permitted this would change and possibly result in seepage into the back gardens. Indeed some seepage already occurs in periods of heavy rainfall and pooling of water against the rear wall of our house already occurs. Also our house is in a hollow between the inwards sloping front and back gardens and therefore does not benefit from natural surface water run off, relying solely on the drainage system to prevent flooding. The Council will be aware of frequent flooding on Knocklyon Road adjacent to Delaford Avenue / Knocklyon Road junction and any additional development involving the removal of absorbent ground can only worsen these problems. The statement by the applicants that the proposed development "will not result in any significant change in risk" is an incorrect conclusion that is not borne out on examination of the true facts surrounding this application.

Summary

The proposed development is unacceptable in terms of being inappropriate for its location on an almost fifty years established dedicated Public Open Space, contravention of original Planning Permission, inappropriate design, scale, height, inadequate separation, singular vehicular accesses, proximity to Gaelscoil, traffic safety, existing boundary walls, flooding or water logging risk, overlooking, overshadowing, obliteration of sunlight and insufficient information on levelling and re-graded of ground levels up to existing boundary walls, reduction in security, removal of bio diversity and sheltering for wildlife.

The proposed development if permitted would impact adversely on the long established surrounding residential area and would detract from the residential amenity of the area contrary to the objectives of South Dublin County Council, Development Plan 2022 to 2028. It would not be consistent with the proper planning and sustainable development of the established area and should not be permitted.

Yours faithfully



John Connery
Marie Connery

John & Marie Connery
35 Delaford Avenue,
Knocklyon,
Dublin 16.

Date: 21-Dec-2022

Dear Sir/Madam,

Register Ref: SD22A/0444
Development: The provision of 4 no. 5 bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works.
Location: Knocklyon Road, Knocklyon, Dublin 16.
Applicant: Pathway Homes Ltd
Application Type: Permission
Date Rec'd: 24-Nov-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. Crowley
for Senior Planner