

## OBSERVATION / OBJECTION

33 Delaford Avenue  
Knocklyon  
Dublin 16  
D16C5K0

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December 16<sup>th</sup> 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,

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

This Submission/Observation has been prepared in conjunction with our neighbours John Connery and Marie Connery, 35 Delaford Avenue, as we both share the same concerns and objectives and would both be similarly adversely impacted by the proposed development.

### 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. 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 is the Public Open Space that is dedicated to the Delaford area and was shown and denoted Play Space on the original purchase agreement map and Land Registry map attached to the property title documents. It is included in and is an integral part of the original Planning Permission for the estate that was granted by Dublin County Council. In the case of a very similar application Ref. SD07A/0995 at Greenpark Estate, Dublin 12, Planning Permission was refused by An Bord Pleanala 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 1<sup>st</sup> 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 dedicated to the 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 beneficial open space.

In response to various enquiries submitted to South Dublin County Council, that we were part of, the residents were advised that this Public Open Space that is the subject of this application could never be considered for development and in a written response 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 misleading in its description of “site” as it is in fact 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 residents. The area is not under utilized as it is utilized from dog exercise to passive wild life observation to the enjoyment of the open visual aspect and is utilized as much as any other such open space. The statement by the applicants that the proposed development “is considered a positive contribution to the local streetscape” is also contrary to the previous 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. Furthermore if permitted this development would set a precedent for development of all the 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 information from the Council 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”. The questions that arise are: (a) at what point did it or is it agreed to no longer be Public Open Space, (b) at what point did it or is it agreed to change its status from dedicated to the Council to no longer being dedicated to the Council, (c) to what extent was or is the agreement of dedicated to the Council a legally binding agreement, (d) has the Council relinquished or entered an agreement to relinquish its dedicated to the Council interest, (e) 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 being no longer relevant.

## **Zoning**

The area 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 improve residential amenity and to the contrary the residential amenity would be seriously adversely impacted as a result of the proposed development.

## **Design**

In terms of the design 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 the normal 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 and scale.

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 an example of how a development can be achieved without adversely impacting on the existing surrounding residential amenity. In this instance the design is sensitive to its residential surroundings as opposed to the proposed development that would seriously adversely impact on the existing surrounding residential amenity if permitted.

## **Separation**

The existing houses were constructed to comply with the requirement for a minimum of 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 standard than the existing houses that were originally built backing onto one another and would impact adversely on the existing houses. The distance to the existing boundary wall is shown as 8.598 metres as opposed to 11 metres and the distance to the elevated single storey projection to the rear is as little as 5.686 metres. The proposal to provide 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 or 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. This attempt to impose numerous reduced standards shows little regard for the adverse impact on the existing residents and is contrary to 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 to the existing houses and the proposed floor levels are further elevated. The proposed houses are therefore significantly higher due to the ground floor levels being raised above the existing ground levels, increased floor to ceiling heights, 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 33 Delaford Avenue and the adjoining house number 35 Delaford Avenue 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 directly over the existing boundary walls while the first floor window sills of the proposed development would be at the height of or above the existing window heads of our house No.33 Delaford Avenue. The proposed bedroom roof windows would be above that again with a view down into the existing rear gardens. In the case of another house 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. As the height relationship between the existing rear gardens and the proposed rear gardens is not clear there may be overlooking over the walls from the proposed rear gardens resulting from levelling and re grading of the existing ground level. These issues again demonstrate the lack of regard that has been given to the adverse impact on the existing properties and residents of nearly fifty years. This proposal if permitted would be a gross intrusion in the privacy of our homes. Regardless of whatever case is presented we know from living here for many years that direct sunlight will be affected that will adversely impact on existing residential amenity. The direct sunlight from late 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 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 100mm projecting block piers a method of construction that is no longer acceptable for garden walls. The proposed development does not consider the stability of these walls that would be highly questionable in the context of the disruption that would occur during the course of excavation and construction. Also our existing garden levels are lower than on the side of the proposed development. The level at the rear of our house No.33 Delaford Avenue, is about 0.8 metres lower than the existing ground outside our rear boundary wall. Serious questions arise as to who would now be responsible for what would become shared boundary walls, if the walls were to be raised or fences erected over the existing walls by the occupants of the proposed houses or indeed by the developers who would be responsible for maintenance or in the event of collapse or injuries incurred. The existing boundary wall height on the side of the proposed development in the case of our house number 33 Delaford Avenue, is around an average of 1,8 metres and is lower on the inside. The application should have included 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 and in this event the existing boundary walls would become retaining walls. The existing gardens would then become lower in relation to the other side that would further adversely impact on the stability of the walls and result in overlooking over the boundary walls. It would seem reasonable to expect that the construction of new boundary walls would have been proposed that would become the sole responsibility of the proposed development and accommodate the levelled and re-graded finished ground/garden levels without increasing the overall existing heights of the existing boundary walls.

### **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, and 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 are at the opposite Lansdowne Park end of Knocklyon Road that will be from the closed off cul de sac road following the realignment of Knocklyon Road.

Knocklyon Road is a particularly busy road at school times as it caters to Knocklyon Gaelscoil, Knocklyon Montessori School & Creche, St. Colmcille's Primary School and St. Colmcille's Community School, Sclarstown Road.

The movement of traffic at school times around Knocklyon Gaelscoil is chaotic to put mildly with cars pulling in and out, car doors opening and is what takes place around any busy school but this school is located directly on the public road. There has already been an accident 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 accesses. Given that the proposed houses are larger 5 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 be likely that 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 a busy school and 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 should not be at risk. Several trees have been removed in the area over the years and very few are being replaced. Some very mature trees had to be removed to make way for the new Knocklyon Gaelscoil and what trees are left in the area must be protected by stringent means and prevent early morning Bank Holiday weekend raids where trees end up gone and little can be done about it. The existing vegetation that will be removed provides security protection to many houses, encourages and harbours wildlife, adds to bio diversity and contributes to the visual aspect over the existing boundary walls..

### **Flood Risk**

The risk of flooded and water logged rear gardens would be significantly increased as a result of the proposed development proceeding. The existing Public Open Space that is the site 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 boundary corners of numbers 31 and 33 rear garden walls. 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 rear gardens, as most of the rear gardens are lower than the existing ground on the outside. In the case of our house number 33 Delaford Avenue, the ground at the

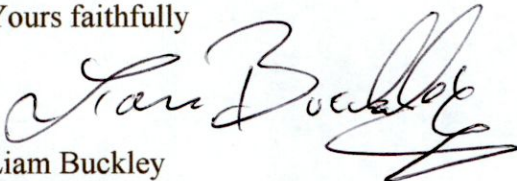
rear wall of our house is about 0.8 metres lower. The application for the proposed development should have included sectional drawings showing the relationship between the existing houses, existing back gardens and boundary walls with the proposed development and this information should be sought. The existing grassed Public Open Space absorbs rainfall but still becomes water logged and soggy in the winter but if the proposed development proceeds this would all change and result in run off and seepage into the back gardens. 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 erroneous conclusion that is not borne out on examination of the true facts surrounding this application.

### Summary

The proposed development is unacceptable in terms of use for development of dedicated Public Open Space, location, scale, height, inadequate separation, singular vehicular accesses, proximity to Gaelscoil, traffic safety, existing boundary walls, flooding and water logging risk, overlooking, overshadowing, obliteration of sunlight, loss of bio diversity and insufficient information provided on levelling and re-graded of ground levels up to existing boundary walls.

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 residential area and should not be permitted.

Yours faithfully



Liam Buckley

Orlaith Buckley



Liam Buckley  
33, Delaford Avenue  
Dublin 16

Date: 04-Jan-2023

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](http://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](http://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**