

Peter & Sheila Nolan
37 Delaford Avenue
Knocklyon
Dublin 16

January 5th 2023

Director of Planning
South Dublin County Council
County Hall
Tallaght
Dublin 24



Re: SD22A/0444, Delaford, Dublin 16

To whom it may concern

We wish to make a submission regarding the above planning application and enclose €20 fee in respect of this.

The application by Pathway Homes Ltd to build 4 houses on the pocket park at Delaford Estate (to the rear of Delaford Avenue) represents a blatant attempt by a speculator to profit from a 50 year old public amenity space.

The applicant states, "*The subject site is primarily flat well maintained grassland*". What the applicant neglects to mention is that this is because it has been well maintained by the local authority for nearly half a century as a long standing public amenity and recreational space.

The land in question has been dedicated to the Council

The Delaford pocket park was reserved as public open space for the residents of Delaford Estate in the 1970s. When residents in adjacent homes in the 1990s and early 2000s made enquiries with the local authority about this space and whether it could be acquired for private ownership the council executive clearly stated, "The area of land in question is dedicated to the Council as Public Open Space", and, "The land in question has been dedicated to the Council, title to the land has not yet been registered in the Council's name in the Land Registry" A map, attached, from McInerney builders given to the original home buyers in the 1970s clearly shows this pocket park as public "play space" for Delaford Estate.

During my visits to the public counter in the SDCC Planning Department I had requested an opportunity to examine the original planning permission for Delaford Estate in the early 1970s as I wished to examine the conditions pertaining to the "play space", emails requesting this information attached. Regrettably the County Council were unable to furnish me with the requested documentation prior to the deadline for submissions. We wish to highlight an identical planning application discovered during search of Decisions Archive and refusal in SDCC at Greenpark Estate in Dublin 12.

In SD07A/0995, attached, there was an application by a speculator to build six houses on public open space dedicated to the local authority by McInerney Homes when Greenpark Estate in Dublin 12 was built in the 1970s, around the same period that McInerney's developed Delaford Estate.

In refusing to grant planning permission to build private houses on public open space An Bord Pleanála outlined the rationale for their decision as follows:

"The proposed development would contravene materially a condition attached to an existing permission for development namely, condition number 14 attached to the permission by the planning authority on the 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"

The planning authority must take this into consideration when making a decision in respect of SD22A/0444. We believe the same conditions pertain to the development of Delaford Estate as was the case in Greenpark Estate in 1972. The planning authority must examine the conditions in the original grant of permission for Delaford Estate to ascertain this and before any decision is made in respect of SD22A/0444.

Traffic Management

Despite the applicant providing a road safety audit as part of their application, they have not adequately addressed the very serious safety issues identified in the audit at this location that now includes the recently opened Knocklyon Gaelscoil.

There are no residential individual homes with direct egress facing onto the Knocklyon Road between the junction with the Firhouse Road, (Delaney's Pub) and Mount Alton. Furthermore there are double yellow lines in part, and zig zag lines at the pedestrian crossing along the Knocklyon Road adjacent to the site and the public road cannot accommodate on street parking for the residents of the proposed homes given they would not have adequate parking facilities within the curtilage of the site.

Conclusion

The proposed development in SD22A/0444 would not only be contrary to the sustainable development and proper planning of the area, but would also represent a speculative land grab of a public amenity by a private speculator.

Although ownership of the open space is unclear at this time, the title to the site having apparently passed from the now liquidated McInerney Homes to Pathway Homes, the new owners are still bound by the deed of dedication from the 1970s from the site owner to the County Council to maintain the site as public open space and for this reason alone the proposed development should be rejected.

Sincerely


Peter Nolan


Sheila Nolan

**Email to SDCC seeking access to view original grant of permission and conditions for
for Delaford Estate**

From: Peter Nolan
Date: Sun, Dec 18, 2022 at 11:12 PM
Subject: Re: Development plan maps 1972-1998 Delaford Area
To: Larry McEvoy <lmcevoy@sdblincoco.ie>

Dear Mr McEvoy

Many thanks again for your assistance with the Development Plan Maps. I have also been searching for the original grant of permission for Delaford to T. McInerney & Co. Ltd. in the SDCC archives for the 1970s.

I found a series of revisions to the original grant of permission during 1974/75 on <https://planning.southdublin.ie/Home/DecisionsArchive>. Register References as follows:

- G2319
- G2345
- H0535
- H0536
- H0659
- H1524
- H1804
- H1805

They do make references to the original grants of permission for the development of Delaford and its sister estates:

- **P/3285/71 dated 24/12/71**
- **Grant of Permission by Minister for Local Government dated 15/6/72**
- **Grant of Permission by Minister for Local Government dated 12/3/73**
- **P/1520/73 dated 5/6/73**

However I cannot find any of the above grants of permission on <https://planning.southdublin.ie/Home/DecisionsArchive>. I would be grateful for your guidance about where I should look to find the above four files.

Thanks once again for your help.

Kind regards

Peter Nolan

Our Ref: PL 06S.229991
- P.A.Reg.Ref: SD07A/0995

The Secretary,
Planning Section,
South Dublin County Council
P.O. Box 4122,
Town Centre,
Tallaght,
Dublin 24.

04 FEB 2009

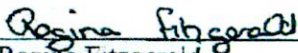
Appeal Re: 6 No. Houses.
St. Mels Avenue, Greenhills, Dublin 12.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2007. A copy of the order is enclosed.

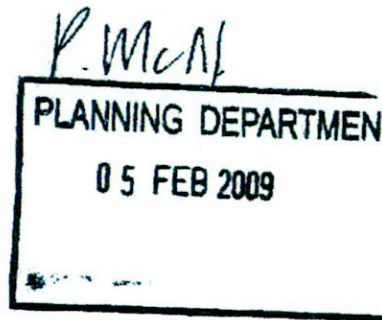
In accordance with section 146(3) of the Planning and Development Act 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Yours faithfully,

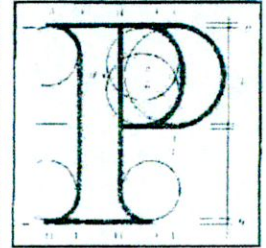

Regina Fitzgerald
Executive Officer
Direct Line:

Encl:

BP 100n.ltr



An Bord Pleanála

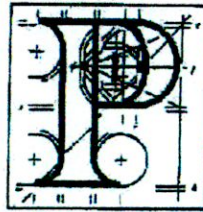


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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

South Dublin County

Planning Register Reference Number: SD07A/0995

An Bord Pleanála Reference Number: PL06S.229991

APPEAL by Lansdowne Francs Properties Limited of 5 Bachelors Walk, Dublin against the decision made on the 13th day of June, 2008 by South Dublin County Council to refuse permission.

PROPOSED DEVELOPMENT: Erection of six number three bedroom, two-storey terraced houses with access from Saint Mel's Avenue along with all other ancillary site development works and boundary treatments at Saint Mel's Avenue, Greenhills, Dublin.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The proposed development would contravene materially a condition attached to an existing permission for development namely, condition number 14 attached to the permission granted by the planning authority on the 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.

Handwritten signature

2. The proposed development would entail the loss of an unfenced area of communal open space which has been maintained as such and has been available for use by the public for over 30 years. The proposed development would, therefore, seriously injure the amenities of property in the vicinity, in particular, the houses on Saint Mel's Avenue and would be contrary to the proper planning and sustainable development of the area.

Mary Mae-Mohr

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *3rd* day of *February*, 2009.

Peter & Sheila Nolan
37, Delaford Avenue
Dublin 16

Date: 06-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.

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**