

**DR DIARMUID Ó GRÁDA**  
PLANNING CONSULTANT

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16 LOUVAIN,  
ROEBUCK ROAD,  
DUBLIN 14

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



6th January 2023

Re planning application ref. no.SD22A/0444; proposed development at Knocklyon Road, Knocklyon, Dublin 16

Dear Sir/Madam,

In the matter of the above planning application we hereby lodge an observation on behalf of

Francis and Bridie Moran, 21 Delaford Avenue, Knocklyon, Dublin 16,  
John and Marie Connery, 35 Delaford Avenue, Knocklyon, Dublin 16 D16V2K3,  
Brian and Aileen Millane, 6 Delaford Avenue, Knocklyon, Dublin 16,  
Kenneth and Judi McInerney, 23 Delaford Avenue, Knocklyon, Dublin 16 D16K3E5,  
JJ and Aisling Shanahan, 19A Delaford Avenue, Knocklyon, Dublin 16,  
Carmen and John O'Carroll, 31 Delaford Avenue, Knocklyon, Dublin 16,  
Ray and Helen Greene, Delaford Avenue, Knocklyon, Dublin 16,  
Peter and Sheila Nolan, 37 Delaford Avenue, Knocklyon, Dublin 16 D16W1Y9,  
Eva and Robert Campbell, 29 Knocklyon Heights, Knocklyon, Dublin 16  
Bridget and Noel O'Halloran, 27 Delaford Avenue, Knocklyon, Dublin 16 D16R3W7,  
Conal Curtis, 19 Knocklyon Heights, Dublin 16,  
Jonathan and Dorothy Mills, 7 Knocklyon Heights, Dublin 16 D16T2K6,  
Michael and Louise Stout, 19 Delaford Avenue, Knocklyon, Dublin 16,  
Cyril and Siobhan McDonnell, 28 Knocklyon Heights, Knocklyon, Dublin 16,  
Trish and Tony Seery, 48 Knocklyon Green, Knocklyon, Dublin 16 D16NN93,  
Thomas and Una Kennedy, 21 Knocklyon Heights, Dublin 16 D16N2N7,  
Richard and Vera Tallon, 17 Delaford Avenue, Knocklyon, Dublin 16,  
Trisha Walsh, 34 Knocklyon Green, Knocklyon, Dublin 16,

DR DIARMUID Ó GRÁDA B.A., M.SC., PH.D., DIP.T.P., FIPI, PC

Barbara Murray, 5 Knocklyon Heights, Knocklyon, Dublin 16,  
Michael Iomair and Linda Treacey, 1 Knocklyon Heights, Dublin 16 D16W8N2,  
Brian O'Reilly, 50 Knocklyon Green, Knocklyon, Dublin 16,  
Barry and Jackie Dolan, 49 Delaford Drive, Knocklyon, Dublin 16,  
Liam and Orlaith Buckley, 33 Delaford Avenue, Dublin 16 D16C5K0,  
Colm and Rhona Duffy, 54 Knocklyon Green, Knocklyon, Dublin 16 D16NV27,  
Nicola Cullen, 25 Knocklyon Green, Knocklyon Woods, Dublin 16,  
Brendan Cullen, 25 Knocklyon Green, Knocklyon Woods, Dublin 16 D16CT80,  
Deirdre Walsh, 33 Woodstown Way, Knocklyon, Dublin 16,  
Brian and Deirdre Grimson, 13 Knocklyon Heights, Templeogue, Dublin 16, D16A4W2,  
Sean King, 27 Knocklyon Green, Dublin 16 D16CA39,  
Conor Dooley, 10 Beverly Rise, Scholarstown Road, Knocklyon, Dublin 16 D16TN29,  
Finn McDonagh and Ciara Donovan, 39 Delaford Avenue, Knocklyon, Dublin 16,  
Niall Ryan and Rachel Burke, 2 Prospect View, Prospect Manor, Rathfarnham, Dublin 16  
D16C9V9,  
Anne Walsh, 27 Knocklyon Court, Dublin 16 D16K466,  
John and Linda Fair, 54A Knocklyon Green, Knocklyon, Dublin 16,  
Rita Duffy, 13 Delaford Drive, Knocklyon, Dublin 16,  
Eoin and Zandra Gallagher, 3 Knocklyon Heights, Knocklyon, D16E9W7,  
Brian, Sheila and Christina Mahon, 25 Knocklyon Heights, Knocklyon, Dublin 16,  
Aisling, Helen and Joe McDonagh, 6 Delaford Park, Knocklyon, Dublin 16,  
James Callaghan, 1 Knocklyon Avenue, Knocklyon, Dublin 16,  
Danielle Catteral, 3 Delaford Drive, Knocklyon, D16A9C4,  
Sharon Tiernan, 3 Delaford Drive, Knocklyon, D16A9C4,  
Trevor and Joanne Cullen, 47 Delaford Avenue, Knocklyon, D16X2T7,  
Patrick and Maureen Walsh, 9 Delaford Avenue, Knocklyon, Dublin 16,  
Carina and Des Clifford, Delaford Park, Knocklyon, Dublin 16,  
Peter and Orna Lucey, 32 Knocklyon Green, Knocklyon, Dublin 16.

Please find attached the Grounds of Observation together with the requisite fee.

Yours faithfully,

Diarmuid Ó Gráda





# **GROUNDS OF OBSERVATION**

**SOUTH DUBLIN COUNTY COUNCIL  
PLANNING APPLICATION  
REF. NO. SD22A/0444**

**PROPOSED DEVELOPMENT  
AT KNOCKLYON ROAD,  
KNOCKLYON, DUBLIN 16**

**DR DIARMUID Ó GRÁDA**

**JANUARY 2023**

# 1 CONTEXT

The application site comprises a small rectangular parcel of public open space. It has a stated area of 0.08 hectare. It fronts onto the east side of Knocklyon Road where it forms part of a mature residential area. Our photo no.1 shows that open, green aspect of the property.



**PHOTO NO.1 - THE APPLICATION SITE, KNOCKLYON ROAD,  
WITH DELAFORD AVENUE BEHIND**

The site is unfenced to the front, denoting its role as public open space. A pedestrian way passes through the southern part of the property, connecting the open space with the households that use it. That public footpath has public lighting, further emphasising the public dimension.



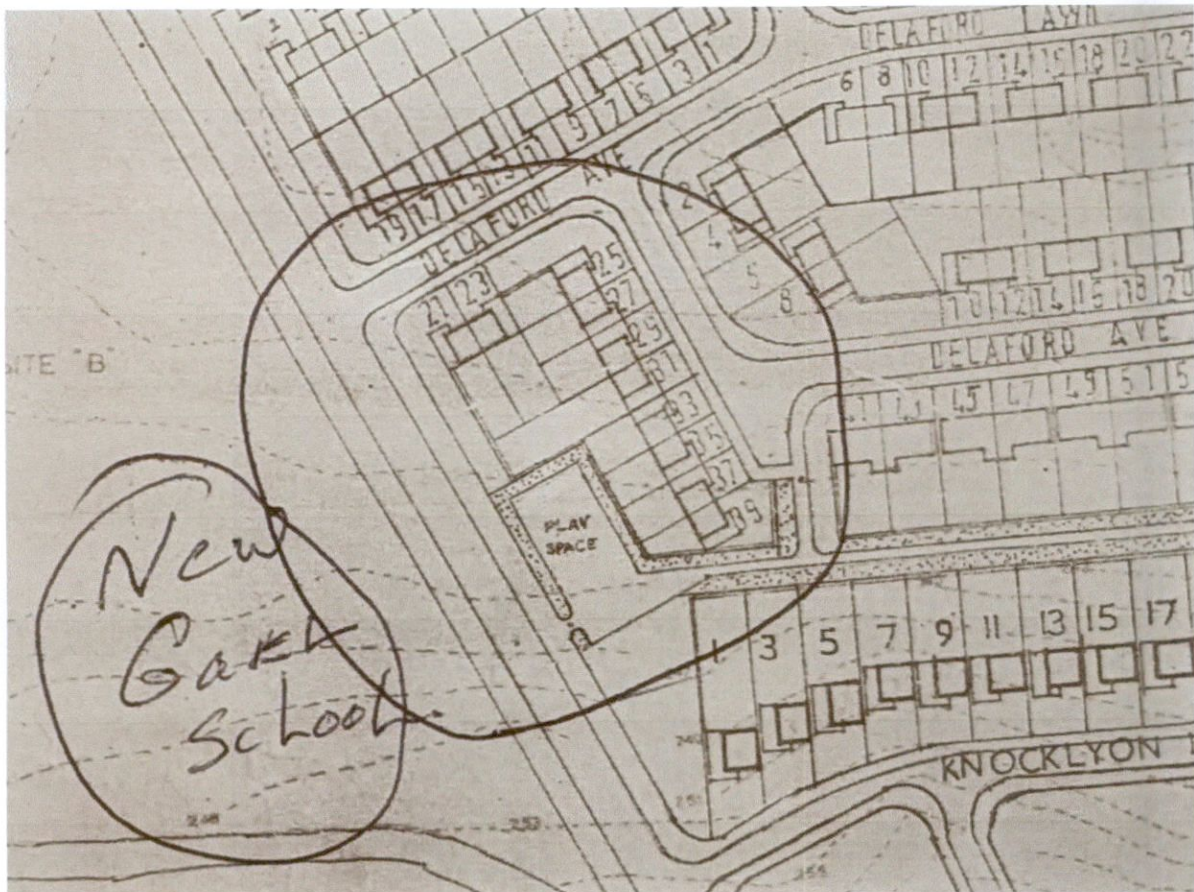


**PHOTO NO. 2 – DELAFORD AVENUE HOUSES ADJOINING THE APPLICATION SITE**

## **2 DEVELOPMENT PLAN**

Delaforde comprises phase three of the extensive Knocklyon scheme carried out by the McNerney group in the mid 1970s. We are instructed that the founding permission for Delaforde provided for an attractive layout of over 80 semi-detached two-storey semi-detached houses. A notable feature of that layout is the small play spaces spread across the scheme, making them close and convenient for families. One of those play spaces forms the application site, as shown on the map below.

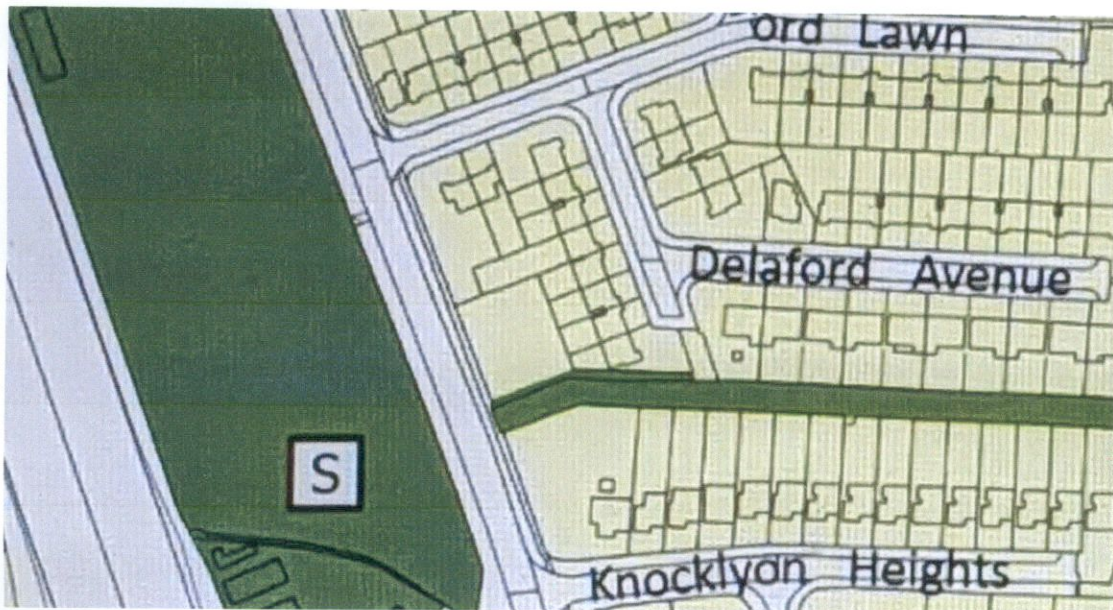




We invite the Council to find that the applicant is now trying to convert that play space into four house plots. In our opinion that would constitute a material contravention of the planning permission granted for Delaford.

Those play spaces are connected to the houses by a network of pedestrian ways. The southern part of the application site comprises a public footpath. It connects Knocklyon Road with Delaford Avenue, and also links those lands eastwards to adjacent houses. In the County Development Plan that pedestrian way (with the open ground on either side) is zoned to preserve and provide for open space and recreational amenity.





Objective OS

To preserve and provide for open space and recreational amenities

The Delaford houses are included in the RES zone where the stated objective is to protect and/or improve residential amenity. Since the public play space serves those houses there is clear obligation to maintain that connection as well as the recreation facility in order to implement the Council's objective for the RES zone.

### **3 PLANNING HISTORY**

We are not aware of any recent planning applications that would directly relate to the current proposal.

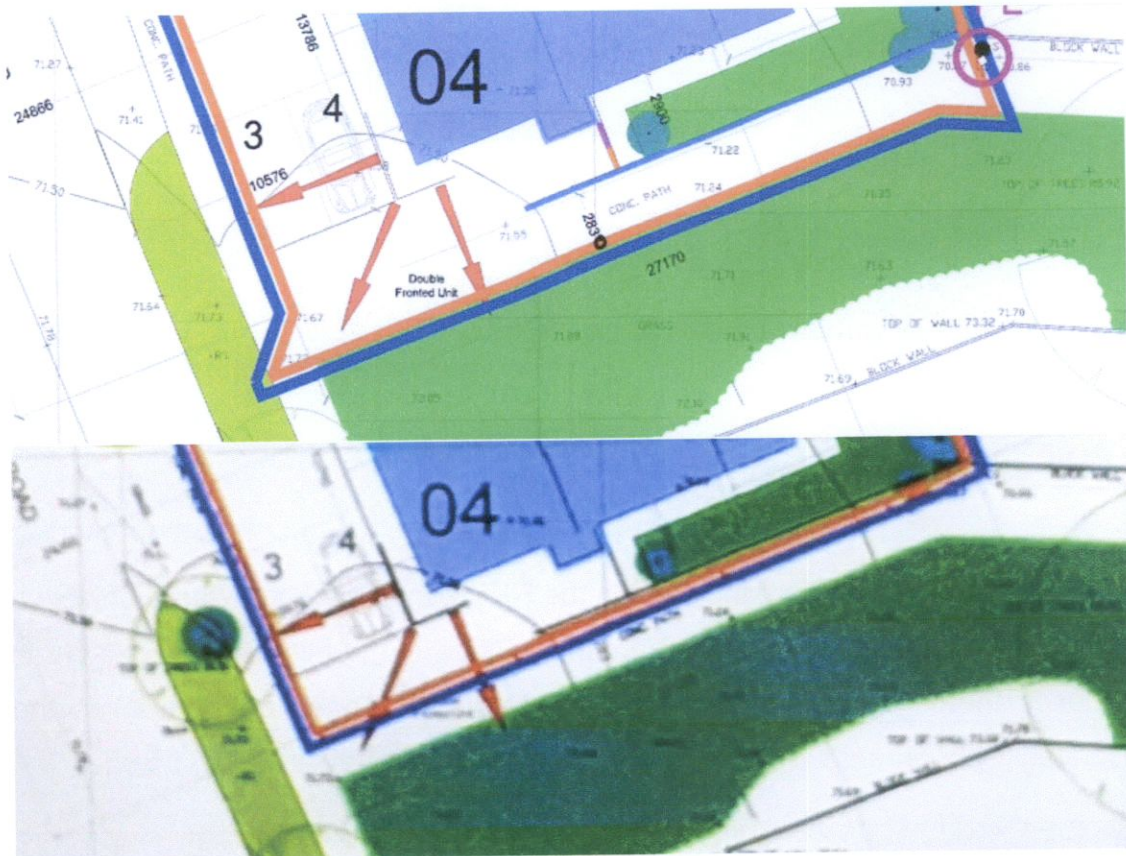
## **4 PLANNING CONSIDERATIONS**

### **4.1 APPLICATION ERRORS**

We invite the Council to find there are significant errors in the application. They concern some central aspects of the proposal, including the extent of the site itself. In



the main drawings the site boundary is shown enclosing the public pathway. In the Planning Report, however, the site boundary is shown with the public pathway outside of the property. The relevant part of each drawing can be seen below, in that order.



We strongly contend that the pedestrian way is a public area in charge of the Council. It cannot form part of the proposal. In addition, we need to know which version of the site area was used for calculating housing density and for other aspects.

In the same regard we note how the Planning Report, at Section 6.1.3, refers only to the RES zoning. That omits the OS zoning that governs the open space.

We invite the Council to consider the written record regarding the open space and the letters issued by officials of the Council confirming its status. One of those letters is included below with the permission of the addressee.



SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CHONTAE ATHA CLIATH THEAS

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Ár an Bhaile, Tamhlacht,  
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DEVELOPMENT  
DEPARTMENT  
P.O. Box 4122,  
Town Centre, Tallaght,  
Dublin 24.

Telephone: 01-462 0000  
Fax: 01-462 0111

Mr. John M. Connery,  
35, Delaford Avenue,  
Knocklyon,  
Dublin 16.

Our Ref. Dev LD 624  
Your Ref.  
Date. 17/10/94

Dear Mr. Connery,

I refer to your submission of the 23rd June, 1994 on your own behalf and on behalf of other residents on Delaford Avenue, Knocklyon, in connection with the Council's plans regarding an area of land which adjoins the rear gardens of the houses on Delaford Avenue.

The submissions made by you have been examined and the necessary reports are now to hand in this matter. 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 Council therefore does not propose to dispose of the land to the residents, however, the Parks Department has advised that the residents should contact that Department to discuss any improvement they would like to see taking place to the land in question. Mr. Les Moore, Parks Superintendent, may be contacted at 4620000, Ext. 3309, in this regard.

Yours sincerely,

Senior Staff Officer.

## 4.2 INCONSISTENT DEVELOPMENT

The proposal would be entirely inconsistent with the Council's objective for the RES zone, i.e. achieving good quality infill housing layouts that take due account of the receiving environment. The four intended houses would be squeezed together and pushed out towards Knocklyon Road, with no front gardens. To the rear the cramped layout would leave back gardens of just 4.3 metres. We note also how a disproportionate amount of purported garden space would be made of side passages and remnant space. In particular, the supposed green areas flanking houses nos. 2 and 3 would be only 0.5 metre wide. We invite the Council to find that could not form open space for any active purpose. Neither would it allow normal household activities - simple actions such as moving a wheelbarrow or lawnmower. Moreover, that substandard open space would be made worse through being extensively overshadowed. In reality, it would be dark, damp and uninviting, and therefore materially deficient for the RES zone.



### 4.3 EXCESSIVE OVERBEARING AND OVERSHADOWING

The application shows rear boundary fencing placed directly in front of the residents at Delaford. It would be made up of several components. There would be a masonry wall topped with timber panels. To the front of that barrier there would be closely-planted trees and shrubs supported by black palings. That combination of timber panels and dense trees would form a dark and depressing screen. In one interpretation it acknowledges the excessive privacy loss. In another, more realistic view, it reveals how inconsistent the proposed layout would be.



That dark barrier would be placed just 4.3 metres away from the houses. The new residents would feel surrounded and oppressed. The normal separation distance required between opposing bedroom windows (22 metres) would not be achieved. The shortfall is made worse by the notable fall of slope, combined with use of a higher profile house type. That material level of dis-amenity cannot be permitted within the RES zone.

At Delaford the existing residents would suffer an excessive loss of sunlight in their back gardens. The closest houses at Delaford have south-west facing rear elevations. Their morning daylight and afternoon sunlight would be blocked off. Our photo below shows one of the houses that would suffer that loss. There is sunlight



streaming in through the window on 2nd January. That bright aspect would be torn away.



**PHOTO NO. 3 - REAR VIEW AT DELAFORD AVENUE, FACING THE APPLICATION SITE**

#### **4.4 OPEN SPACE**

The applicant's Planning Report refers to the National Planning Framework policies on open space. It cites Policy H8: Public Open Space which requires all residential development to be served by '*a clear hierarchy and a network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.*' Later in the report, however, it is conceded the scheme does not provide any public open space.

The applicant also cites H8 Objective 3 from the NPF which aims '*to enhance the recreational value of open spaces that serve existing residential areas as part of any future infill developments or where appropriate provide for the upgrade of other parks in the immediate area (applying the 10-minute concept) through a financial*

*contribution in lieu, where a proposed development is not capable of providing the full open space standards on site'. As we are showing in this observation the proposal would directly remove the dedicated play space that has served local residents for many decades. Rather than enhancing the existing recreational facility it would be destroyed.*

Policy H9 of the NPF is also cited. That policy requires all new dwellings to have access to high quality private open space and semi-private open space (where appropriate). It also requires such space to be carefully integrated into the design. On that basis we see another failure in the scheme.

Section 6.2.2 of the Planning Report admits the proposal itself would not contain any public open space, nor does it offer any financial contribution in lieu. Section 6.2.2.1 claims that private open space would be provided to allow for adequate separation between the existing and proposed houses. In our opinion that would be a very inadequate provision as it does not address the open space need for active/passive recreation. We invite the Council to find that shortcoming reflects the wider deficiencies in the scheme.

#### **4.5 EXCESSIVE OVERBEARING AND OVERLOOKING**

From our assessment we have included below an artist's impression of the impact of the proposal at Delaford Avenue. This impression relates to one house that we visited during our site inspection. An analogous impact would be expected in adjoining houses. We have included two views, i.e. before (top) and after the scheme (below).





**BEFORE AND AFTER – AN ARTIST'S IMPRESSION**

## 5 CONCLUSION

We request the Council to refuse planning permission for the reasons set out below.

- 1 The proposed development would materially contravene a condition attached to an existing planning permission for the development of Delaford in that the site of the proposed development constitutes part of the public open space provision for the Delaford houses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 The proposed development, by reason of the consequent extensive overshadowing and loss of privacy, would seriously injure the amenities of adjoining residential properties. For that reason, the proposal would materially contravene the zoning objective for these lands contained in the County Development Plan



**Dr. Diarmuid Ó Gráda, Planning Consultant**  
16 Louvain  
Roebuck Road  
Dublin 14

**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](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,

  
for **Senior Planner**