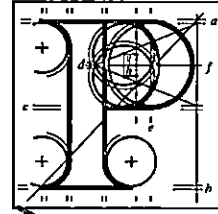


**Our Case Number:** ABP-317631-23

**Planning Authority Reference Number:** SD22A/0373



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 28 September 2023

**Re:** Demolition of former two storey steelworks factory, construction of 3 three-storey houses and all associated site development works.  
Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal.

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission dated 19th August, 2023 received from Anne Marie and Adam Dodd.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 18th October, 2023**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board will proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Mary Tucker  
Executive Officer  
Direct Line: 01-8737132

BP70 Registered Post

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 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

Anne Marie Dodd  
3 Manor Avenue  
Off Wainsfort Grove  
Terenure  
Dublin 6w  
D6W VW13

19<sup>th</sup> August 2023

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

**Site:** Former Steelworks, Manor Avenue, Terenure, Dublin 6w  
**P.A. Ref:** SD22A/0373  
**ABP Ref:** ABP-317422-23

**Re:** Proposed demolition of former two storey steelworks factory (465 sq.m) and  
Proposed erection of 3 terraced, three-storey, three-bedroom houses  
(160 sq.m each), with external terraces and associated site works at  
Manor Avenue, Terenure, Dublin D6W.  
**Applicant:** Patricia Carmody

Dear Sir/Madam,

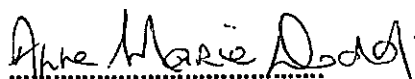
I refer to the above-entitled matter and planning application relating to the site of the former steelworks on Manor Avenue, Terenure, Dublin 6w.

Please find herewith observations in support of and further to appeal lodged by Ms. Collette Cregg of 52 College Drive, Terenure, Dublin, D6W TN84 in this matter.

Attached also please find herewith Cheque to the value of €50, made out to "An Bord Pleanala" being an Bord's fee.

I trust that this is in order.

Yours faithfully

  
Anne Marie Dodd

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>065945-23</u>
ABP-	_____
21 AUG 2023	
Fee: € <u>50-</u>	Type: <u>CHA</u>
Time: <u>14:09</u>	By: <u>Hand</u>

## Observations and Submissions re Former Steelworks, Manor Avenue

Dear Sir/Madam,

The following observations are submitted by Anne Marie and Adam Dodd of 3 Manor Avenue, Terenure, Dublin, D6W VW13, in relation to the South Dublin County Council Planning Application number SD22A/0373, dated 31<sup>st</sup> May 2023, to grant permission for the proposed development subject to conditions.

### **1. Manor Avenue**

Manor Avenue is a single-lane, cul-de-sac laneway with insufficient space to allow two vehicles travelling in opposite directions to pass each other (without recourse to grass verges unintended for use by cars) and with no footpath to accommodate pedestrian usage.

Approximately 100 metres from the entrance to the laneway, Manor Avenue forks into 2 separate lane ways. The north laneway provides private access to residences no. 1, 2, 3 and 4 Manor Avenue and the south laneway provides access to 1A Manor Avenue and the subject site. Please see attach image **Photograph 1**.

The laneway is the sole access route available to all properties on Manor Avenue and at current traffic levels there is already, at times, difficulty navigating the laneway without the requirement to manoeuvre one's vehicle into make-shift lay-bys when meeting oncoming or parked cars.

### **2. Site Access via Manor Avenue- No right of way.**

Manor Avenue is a laneway that consists entirely of private land over which residents further along the laneway have a right of way to access their properties. There are no residences over the first 100 metres of the laneway closest to the access point from Wainsfort Grove.

Whilst all current residential properties were built upon land that was carved from the pre-existing Shaw estate, the lower portion of the laneway (i.e. the first 100 metres adjoining Wainsfort Grove) was never transferred in freehold or leasehold. Accordingly, it remains the property of the Shaw Estate.

Please find attached at **Photograph 2** an unamended Land Registry map of property ownership of Manor Avenue and nearby properties. Please note that the lower portion of Manor Avenue has been coloured and highlighted in yellow, by the Land Registry, to demonstrate the unique land-ownership status of this portion of the laneway compared to surrounding land.

**No established residential right of way exists over Manor Avenue to give access to the newly proposed residences.**

### **3. Manor Avenue- 'A Narrow, Substandard Laneway'**

In a 2017 decision to refuse planning permission on Manor Avenue for a proposed single dwelling on a different site (**Planning App Ref. SD17A/0229**), Reason (b) of the Schedule stated:

*"The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of traffic hazard".*

Planning permission was previously refused on the same site (see **Relevant Planning History- Subject Site- 92A/1445**) on the grounds that "[t]he proposed development with access off a narrow substandard laneway would endanger public safety by reason of traffic hazard."

On appeal (of 2017 planning application refusal- **Planning App Ref. SD17A/0229**), planning permission was again refused and it was found that:

*"It has not been demonstrated that Manor Avenue can be adapted to safely accommodate additional traffic that would be generated by the proposed development. It is considered that the proposed development would, therefore, endanger public safety by reason of traffic hazard, would represent a haphazard approach to zoned service lands and would contravene the aforementioned requirement as set out in the Development Plan. The proposed development would, therefore, be contrary to proper planning and sustainable development in the area".*

We submit that no amendments or adaptations have been made to the laneway in the intervening period, nor has any amendment or adaptation been suggested, and the present application would potentially generate three times greater traffic levels than the above-mentioned application, refused in 2017.

### **4. Large Vehicular Access Impossible and Inevitable Parking Overflow**

Despite assertions by the Applicant to the contrary, Fire Tender and Refuse Truck access to the laneway is not practically possible. This was recognised by South Dublin County Council in its decision to refuse permission for planning on the same site on 17<sup>th</sup> April 2019 (please see **App No. SD18A/0356**).

This reality was demonstrated in practice during an incident in August 2021, where a Fire Tender carrying ambulance paramedics was incapable of accessing the lane during a medical emergency, when a toddler resident required immediate medical treatment for a potentially life-threatening condition.

It is submitted that the inability of Fire Tenders to access the laneway can be verified with Fire Prevention Services at Dublin City Council, who as recently as January 2023 confirmed their concerns about the laneway and attempting entry to same even in emergency circumstances, and we would respectfully request that they be consulted with regards to this application.

Additionally, Refuse Trucks have always refused to enter the laneway and wheelie bin collections for residents of Manor Avenue are collected from the junction of Manor Avenue and Wainsfort Grove.

The proposed development herein, with its limited parking availability and inevitable consequential parking overflow further down the laneway, will thus undoubtedly prove prejudicial to public health and contravene the RES zoning of the site 'to protect and/or improve residential amenity' as set out in the South Dublin County Council Development Plan (2016-2022) and would be contrary to the proper planning and sustainable development of the area.

## 5. Building Dimensions

The area of the building that exists at present on the subject site measures 465m<sup>2</sup>, whereas the proposed 3 no. terraced units are to measure 480m<sup>2</sup>, there being some 15m<sup>2</sup> difference.

The east boundary wall of Unit 3 is to be extended approx. 7.5m nearer to our home than the existing building. Please see **Photograph 3** for overhead photographic view of area.

## 6. Overlooking

Further, and of great concern, the proposed amended development would give rise to severe and oppressive overlooking of nearby gardens and properties and as a result severely injure the privacy and residential amenity of adjacent properties and dwellings including, in particular, our home at number 3 Manor Avenue and our neighbour at 4 Manor Avenue.

Regarding the importance of the right to privacy of neighbouring properties, please refer to previous planning applications history of the site and in particular we draw your attention to **Application Reference No. S97A/0010**- wherein permission was granted to retain office and toilet accommodation on the express condition (condition 2 of 7) that windows in the property be "*non-openable and to be of obscured glass on a permanent basis*". The reason for this condition being "*[t]o protect residential amenity and in the interest of the proper planning and development of the area*".

These comments relate to overlooking from a single, second-story window, whereas the present application is for 3 three-story buildings with a fourth story terrace on top of that, from which unimpeded and unpreventable views of nearby properties will be had. This application therefore constitutes a far greater infringement than that in **S97A/0010**.

In contrast to the southern boundary of the subject site with College Drive, which has a 4.5-metre high old orchard wall, a mere 1.7metre boundary wall separates the subject site and neighbouring no. 3 and no. 4 Manor Avenue.

The issue of overlooking and interference with residential amenity was further deemed to be a necessary ground for refusal of a separate planning application on a different site on Manor Avenue on another occasion, where it was stated:

*"The proposed two storey dwelling would give rise to overlooking of adjoining rear gardens and would, as a result, seriously injure the amenities and depreciate the value of residential property in the vicinity."* (Planning App Ref. SD17A/0229-See Relevant Planning History- Subject Site 92A/1445-Reason for Refusal No. 3)

In circumstances where planning permission has already been refused on multiple occasions in the area on the basis of overlooking depreciating the amenity and value of neighbouring properties, it is entirely inconsistent to now grant permission for much more extensive overlooking at far greater height, and we would request that no further incursion into the privacy of our home be facilitated by granting these additional features.

### **7. Proposed Window in East Facing Gable End of Unit 3**

This is an 'up-side-down house', with bedrooms on the ground floor, an open plan kitchen and dining area on the second floor, and main living room on the third floor.

On the proposed eastern gable wall of Unit 3, a very large picture window has been included in the design plan for the main living area of the property on the second floor. This is a unique feature to that particular unit and is in direct line of sight of the main recreational area of 3 Manor Avenue and will cause unavoidable, direct overlooking of same. This is particularly so where the gable wall will be extended approx. 7.5m nearer to 3 Manor Avenue and the window in question (beside Unit 3's living room) is at a greater height than the highest point of the current pitched roof. Please see **Photograph 4** in relation to same.

We respectfully submit that such a feature is an unnecessary incursion into our privacy as residents of no. 3 Manor Avenue and we strenuously object to same. Neither of the other 2 proposed units contain such a feature, and it is clearly an opportunistic, self-serving addition at the expense of surrounding properties, in particular our home.

### **8. Rooftop Terrace**

We further object to the proposed rooftop terraces on the 3 properties, as same will- by design- provide a direct view of and into all surrounding properties and their gardens, and in particular no. 3 and no. 4 Manor Avenue. The rooftop terraces will provide a seated position viewpoint that is significantly higher than the uppermost point of the ridge in the initially approved plans (approved in 2019; ABP -304447), which said roof was a pitched roof, thereby representing significantly less concern with regards to overlooking than the present application- even had there been no difference in height between the two plans. This feature is unnecessary, potentially hazardous and oppressive to those it will look down over.

## **9. Interference with 3 Manor Avenue- Home and Garden**

3 Manor Avenue is a family home resided in by 3 generations of the same family. Central to the use and enjoyment of our home is an open green space at the rear of the property along the boundary partition with the subject site that constitutes a communal outdoor living area; containing decking area, family gathering space, children's play area, trampoline and verdant garden. Please see **Photograph 4** and **Photograph 5**.

Our family regularly dines al fresco (i.e. outdoors) in the said area, which can easily accommodate 8 people at our garden table, as part of our enjoyment and use of our home and the curtilage thereto. This provides a wonderful, private area for adults to gather and children to play within sight of same, however the said private and intimate amenity will be entirely disrupted by the proposed overlooking from the rooftop terraces and second floor window of Unit 3. For the avoidance of doubt, we fully accept that neighbours can exist side-by-side without interfering with one another (as has always been the case on Manor Avenue), however the impugned features of the proposed development constitute a direct interference on our home rather than merely living alongside same.

## **10. Landscaping**

We welcome good landscaping and consider it to be very important in any development proposed on the subject site.

The proposal to plant 3 large trees along the boundary wall with 3 Manor Avenue, however, appears to have given no consideration to the effect that the canopies of the said 3 large trees will have on 3 Manor Avenue. The obstruction of light that will be caused by same will result in a direct infringement on the utility and enjoyment of our recreational space, which is something that we must wholeheartedly object to. Please see **Photograph 6**.

The boundary wall between the subject site and 3 Manor Avenue stands at circa 1.7 metres tall. No tree or shrub variety should be planted along this boundary wall which at maturity has the capacity to grow or be allowed to grow above this height (i.e. 1.7 metres). This is to ensure that our property is not deprived of the south facing aspect sunlight that we have always enjoyed and utilised.

Similarly, we submit that no large trees (especially those which seed themselves- e.g. sycamore trees) should be allowed to grow on the site.

Please find attached **Photograph 7** of sycamore tree currently on the boundary between subject site and 2 Manor Avenue, which is also evident from aerial photo of subject site. The said tree has grown to a height of approximately 8 metres and has been unmanaged by the applicant since seeding. Not only does this seriously infringe and obstruct natural light into the affected property, it poses a serious health and damage hazard should it fall in the direction of the property.

The residents of 3 Manor Avenue are most anxious to avoid creating on our boundary a similar situation to this established precedent.

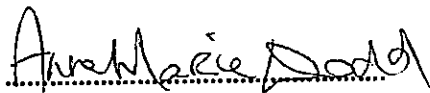
## Conclusion

Manor Avenue is a narrow, substandard tract of privately-owned land, that is incapable of accommodating entry onto it by a Fire Truck, Rubbish Collection Truck or regular Oil Delivery truck. There is a history of difficulty obtaining emergency medical and fire services on the laneway, even where the laneway is unobstructed. The proposed development will not only further congest this most tight area but will undoubtedly consume even the limited capacity of the laneway by resultant overflow parking, creating further impediment to the safe navigation and/or access to the laneway by legal users, such as residents and, in particular, emergency services.

The proposed development does not enjoy a right of way over the Shaw Estate land over which site developers and residents will have to pass in order to access the site.

The newly proposed plans, in particular, have created alarm for the residents of 3 and 4 Manor Avenue regarding the additional features (e.g. unobstructed viewing points of our properties and interference with our rights to privacy and quiet enjoyment of our homes) such that our neighbours of 25 years in 4 Manor Avenue made the openly expressed decision to relocate rather than live with such intrusion and devaluation of their family property. Following the decision to approve by SDCC, they relocated and the Board will note their silence on the matter accordingly.

Signed



Anne Marie Dodd

And



Adam Dodd

19<sup>th</sup> August 2023

On behalf of the Dodd Family of 3 Manor Avenue, Terenure, D6W VW13