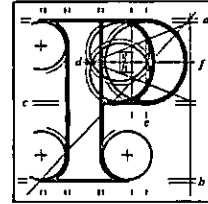


**Our Case Number:** ABP-318412-23

**Planning Authority Reference Number:** SD22A/0390



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24

**Land Use Planning & Transportation**

**10 NOV 2023**

**South Dublin County Council**

**Date:** 09 November 2023

**Re:** Demolition of house and associated out-buildings, construction of 7 houses, access via existing vehicular entrance on the Lucan-Newlands Road / Esker Hill and associated site development works, car parking, open spaces and landscaping.  
Clonbrone, Lucan Newlands Road, Esker Hill, Lucan, Co. Dublin, K78 Y5C2

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, within a period of 2 weeks beginning on the date of this letter, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure.

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaio Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:-

Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

#### Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act, (as amended), (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

**Teil** (01) 858 8100  
**Glaao Áitiúil** LoCall 1800 275 175  
**Facs** (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

Ms. CLAIRE DALY @ OTHERS.  
c/o 24 Esker Lawns,  
Lucan,  
Co Dublin  
K78 D7P0

<b>AN BORD PLEANÁLA</b>	
LDG- <u>067958-23</u>	
ABP- _____	
06 NOV 2023	
Fee: € <u>220</u>	Type: <u>Cash</u>
Time: <u>11:57</u>	By: <u>HAND</u>

An Bord Pleanála  
64 Marlborough Street,  
Dublin 1  
D01 V902

6<sup>th</sup> November 2023

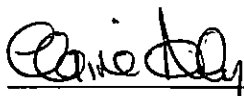
## Third Party Appeal to SD22A/0390 - Clonbrone, Lucan-Newlands Road, Lucan, Co Dublin

*“Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.”*

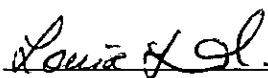
To whom it concerns,

We the undersigned, as original objectors of the above application to South Dublin County Council (acknowledgement letters provided) wish to appeal the decision to grant permission for the development on the grounds that it is not in the interests of the proper planning and development of the area and does not protect or improve residential amenity. Please find our appeal document attached.

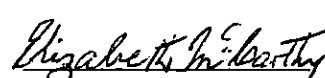
Yours faithfully,

  
\_\_\_\_\_  
**Claire Daly**

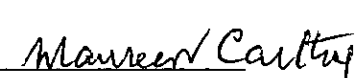
24 Esker Lawns, Lucan, Co Dublin

  
\_\_\_\_\_  
**Louise Fitzgerald**

25 Esker Lawns, Lucan

  
\_\_\_\_\_  
**Elizabeth McCarthy**

30 Esker Lawns, Lucan

  
\_\_\_\_\_  
**Maureen Carthy**

32 Esker Lawns, Lucan

1950

1951

1952

1953

1954

1955

Claire Daly  
24, Esker Lawns  
Lucan  
Co. Dublin

Date: 16-Nov-2022

Dear Sir/Madam,

**Register Ref:** SD22A/0390  
**Development:** Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.  
**Location:** Clonbrone, Lucan Newlands Road, Esker Hill, Lucan, Co. Dublin, K78 Y5C2  
**Applicant:** Nacul Developments Ltd  
**Application Type:** Permission  
**Date Rec'd:** 13-Oct-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**

Maureen Carthy  
32, Esker Lawns  
Lucan  
Co. Dublin  
K78 D8X0

Date: 15-Nov-2022

Dear Sir/Madam,

**Register Ref:** SD22A/0390  
**Development:** Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.  
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**Date Rec'd:** 13-Oct-2022

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Yours faithfully,

M. Furney  
for **Senior Planner**



**Elizabeth McCarthy**  
30, Esker Lawns  
Lucan  
Co. Dublin

**Date:** 16-Nov-2022

Dear Sir/Madam,

**Register Ref:** SD22A/0390  
**Development:** Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.  
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Yours faithfully,

M. Furney  
for Senior Planner

Ms. Louise Fitzgerald  
25 Esker Lawns  
Lucan  
Co. Dublin  
K78H6AO

Date: 14-Nov-2022

Dear Sir/Madam,

**Register Ref:** SD22A/0390  
**Development:** Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.  
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**Application Type:** Permission  
**Date Rec'd:** 13-Oct-2022

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Yours faithfully,

*M. Crowley*  
for Senior Planner

## **Part 1 - Objections on the basis of information contained in original submission and F.I provided**

### **Introduction**

As with the previous planning application the scale of this development is too dense for this irregular shaped, small 0.3 ha site. No effort has been made to address the impact of houses 1-6 and even with House 7 being a further two metres away than previously, it remains insufficient in terms of direct overshadowing at different times of the year and its overbearing effect.

We refer the Board to the many objections to this application submitted to South Dublin County Council. Our appeal seeks to amalgamate some of the key points made and add to them as well as assess additional information provided by the developer. However, we would ask the Board to look at each of these individual submissions carefully as they go into substantial detail in terms of the impact of the proposed development on individual properties. As we expect there will be further observations made by many of the parties concerned on foot of our primary appeal.

### **Over-development of site**

The site in question was the subject of a previous application in 2021 (Ref SD21A/0026) which was refused on a number of very clear grounds. Regrettably, this new application fails to address the very legitimate issues for neighbouring residents that were associated with that application. While it contains a small number of marginal adjustments to the previous application in respect of the overall site layout, the fundamental grounds for refusal of the previous application remain.

The proposed development contained in this application is not of an appropriate scale and layout for this site and fails to meet the requirement of the relevant Guidelines on Sustainable Residential Development in Urban Areas to ensure that "the design approach should be based on a recognition of the need to protect the amenities and privacy of adjoining neighbours and the general character of the area and its amenities, eg views, architectural quality, civic design etc".

This development is abutted to the north and west by lands with single units, eg a gate lodge and "Clonard", followed by single units on Lucan-Newlands Road. Examining the pattern of existing developments in the area for similar sites along Lucan-Newlands Road, permissions granted so far have facilitated the addition of no more than one additional dwelling beside an existing house, the most recent being two new houses in Esker Lawns omitted in their submission.

### **Precedent in terms of scale**

In the case of its immediate neighbour "Clonard", the only development permitted on this site was the replacement of one dwelling with another dwelling. Multiple applications at Clonard for 8 units were turned down as the architect has outlined in their presentation document and a proposal for four units was turned down at an earlier date. The precedent does not exist, even allowing for more recent increases in densities under legislation. The existing site should follow precedent on similar small land plots, such as "Clonbrone", not a housing estate and as such a much smaller number of units should only be permitted, possibly as low as 2-3 units.

This position is backed by in the submission made by Lucan Planning Council, who have scrutinised many applications in our area over decades. We acknowledge that some form of development is suitable on this site and that it will be more than a single property in keeping with legislative changes over the years. However, in the interests of proper planning and development, it needs to be lower density and lower height than what is currently proposed.

### **Buildings are too high in comparison with neighbouring properties**

As noted by a number of submissions, balance is required when placing new buildings adjacent to older ones, especially those that have been in situ for over 50 years. The buildings in this development, by virtue of their height and proximity, impose on the existing homes. The existing house is set well back from other properties and any increase in density should follow the same principle.

There has been no change in height levels and as such the ridge height of the units as proposed remains unacceptable. The units should not exceed the existing height of the Esker Lawns properties, especially as there are three habitable floors compared to two in most Esker Lawns properties as originally built, with PP required for additional conversion of attics to habitable space.

The developer stated in their submission that "cognisance has been paid to the existing pattern, scale and established pattern of development in the environs. As the site is abutted to the south and east by traditional two storey suburban housing, the scale of the proposed development reflects this such that there will be no impacts on adjoining residential amenity." The building and habitable space are all higher, so they continue to impact on the adjoining residential amenity from this perspective, among others.

## **House 7 relocation inadequate**

The previous application (SD21A/0026) was refused on a number of grounds, including Reason 1: "The proposed new dwellings, particularly houses 7 and 8, were deemed to be overbearing by reason of their excessive height and the proximity to neighbouring dwellings and their private amenity space, resulting in a significant and material loss of light and overshadowing...."

As pointed out in submissions to the Council, the proposed house no. 7 is significantly closer to 31 Esker Lawns than the plans suggested. So even with a two-metre drawback it remains far closer than the architect originally indicated in the plans and in any event is too close in the context of sustainable development.

### **Case for removal of House 7**

Drawings have been submitted in a number of objections indicating the shadow impact of the development. These should be looked at closely by the board because it will be clear that even allowing for a revised location of no. 7 the impact on neighbouring properties remains significant in terms of loss of direct light, loss of natural light, overbearing proximity and loss of amenity. This dwelling in its own right should not be permitted and should be removed irrespective of other equally compelling arguments.

In respect of the revised application (SD22A/0390) relating to house no. 7, the submitted planning report accompanying the application (Armstrong Fenton Associates) states (s.2.4 page 9) that "house no. 7 has been pulled back from the neighbouring boundary to the east with the current gable side of the proposed house no. 7 being c18.6m away from the rear of its nearest neighbour" and (s.5.1 page 20) "house no.7 set further back from the eastern boundary of the site to reduce any perceived overbearing impacts on neighbouring properties".

The further information provided - which we contend should have been put back out for public commentary by the local authority as "significant Additional Information" - suggests that the property will be moved very slightly and, along with a reduction in width for other properties, contribute to a two-metre setback westwards, as per referenced drawings 85675-RFI-400 and 85675-RFI-030.

This may marginally reduce the overbearing impacts on neighbouring properties, but it does not

negate the detrimental impact on existing residential amenity in terms of overlooking, overshadowing and being generally overbearing in appearance.

### **Negative impact of Houses 1 - 6**

As noted in multiple submissions, the roofs of these properties are also all higher overall than the corresponding Esker Lawns properties. The houses have been marginally reduced in individual widths to facilitate a token setback of House 7 but as the gardens are significantly shorter than the Esker Lawns gardens, the backs of these properties remain too close to the Esker Lawns properties, especially in the context of how the new development relates to an older, established development.

If anything, as per our arguments regarding the over-development of the site, such properties need to be significantly reduced in number along with the total removal of House 7. They also need to be set back further. House 1 is overdevelopment and adds to the congestion at the entrance and this and several other properties need to be removed to make the development within a context of a constrained site a sustainable one.

To facilitate setback in a smaller development, driveways of a reduced number of units should be placed to the side of the remaining properties and/or remove driveways and place limited parallel parking along the footpaths to facilitate EV charging, with additional vehicle parking being placed primarily on the current site of Houses 7 and 1. As we mention in a number of contexts, such changes would likely not be possible as conditions of planning but it may be helpful if the Board references such options as a guide to any future application, assuming this one is rejected.

### **Loss of daylight and sunlight**

The location of these proposed units, with minimal setback means that the amenity and quality of life of existing residents of Esker Lawns will be substantially impacted.

The developer's Sunlight, Daylight and Shadow Assessment report needs to be scrutinised. It is not based on up to date or accurate drawings of neighbouring gardens and extensions. A two-metre overall move for House 7 does not alleviate its serious direct impact on houses on both sides of Esker Lawns. The other properties impact on neighbouring dwellings also.

As section 2.2.1 of the BRE guidelines state: "In designing a new development or extension to a

building, it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive."

And Section 3.2.1 refers: "In designing a new development or extension to a building, care should be taken to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight. People are particularly likely to notice a loss of sunlight to their homes and if it is extensive then it will usually be resented."

Various submissions from residents reference the overshadowing impact this development will have, noting that with exception of the removal of house 8, it is not hugely different to a previous submission that was turned down.

Section 3.2.12 of the BRE guidelines further states that "it is good practice to check the sunlighting of gardens of existing buildings". This is also described in Section 3.3, but does not appear to have been checked in any great detail, because if it had, massive shadowing of gardens would have shown up when compared with the existing situation.

Furthermore, there appears to be an over-reliance in the developer report on annual probable sunlight hours (APSH). The BRE 2022 updated best practice document does of course recommend that "APSH is a better way of quantifying loss of sunlight because it takes into account sunlight received over the whole year, not just on one particular date", however this has its limitations, and the guidelines warn as much in terms of sticking to pure numbers.

Section 2.2.3 clarifies that "numerical values given here are purely advisory. Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light". For much of the year this development takes way more than its fair share of light for different neighbouring dwellings. And for significant parts of the year, the light loss is totally oppressive.

The assessment also totally ignores the fact that rear of the Esker Lawns Houses facing the site are largely North-West facing or West facing. This means that the impact on the houses during the last part of the day becomes a hugely significant issue at specific times of the year. Therefore, it is not sufficient just to look at the APSH or the March 21st figures but also to look



at periods where direct available sunlight or bright daylight is massively curtailed because of the impact of some or all of the proposed development.

House 7 impacts massively on 31 Esker Lawns and 30 Esker Lawns from a lighting perspective, as shown in the submissions by the residents concerned. It also has a more specific localised impact on some of the gardens from the gable wall and roof line of houses 29-32 even after a setback of two metres. It impacts on number 26 and adjacent properties in terms of shadowing in the garden and loss of natural light.

The other properties also have an impact from a lighting perspective. Ignoring all other impacts, the only way to mitigate the sunlight and natural light effect would be to place the houses on the west/north-west side of the site, which would be more difficult to do in terms of orientating an entrance roadway and creating meaningful amenity space. The properties could also be set back by removing the driveway space and placing parking elsewhere. This would necessitate removing at least House 1 and House 7, but as we contend elsewhere, this would still leave the density too high for such a restricted site.

### **Traffic implications and road safety issues**

#### **Lack of parking provision**

If the properties are rented, there will be a far greater demand for vehicles. We welcome the fact that SDCC has conditioned that the properties be sold to individual purchasers rather than corporate entities. However, it is quite possible that the current developer/landowner could retain at least one of these properties for the purposes of renting. We also note that individuals can and have purchased individual properties as rental developments and that four and five bed properties are attractive in this regard.

There are insufficient parking spaces for five-bedroom houses that may have up to five vehicles if some of these houses are rented out, or subletting rooms. Instead of a bare minimum of 14 spaces it could total up to 30 at times, not including visitors. It is not possible to overflow park in neighbouring Esker Lawns as it is already congested and there is a single white line preventing parking all along the nearest roadway.

Additional parking spaces will need to be provided and, if the Board agrees that moving the

properties further back is essential, this would as we mentioned earlier require driveways to be taken away with limited on-street parallel parking provided instead along with designated parking areas. The removal of Houses 1 and 7 would facilitate this and if 1-2 more units were removed, each of the remaining properties could all still have their own driveways to the side as well as overspill parking and a safer turning area for emergency and larger vehicles. These proposals likely cannot be done by way of planning conditions, so on these grounds alone the application must be rejected, but as outlined, may act as a guide for a future planning application.

### **New houses adjacent to site**

There is a need to assess the entrance in context of two new houses adjacent. The developer continuously provided incorrect information on plans submitted to the council, which ignored the fact that planning permission was obtained in 2017 for 2 houses adjoining his site (planning reference South Dublin County Council SD17A/0241). Maps dated as late as September 2023 furnished to the council on behalf of the developer, have consistently omitted these houses from the plans. These houses have been completed for some time and are for sale at present (see <https://www.sherryfitz.ie/buy/house/dublin/lucan/17a-esker-lawns-lucan-luc23019>). This is not an oversight as the developer lives adjacent to these houses and in fact objected to them. A site layout plan showing these existing houses would indicate just how tight and inadequate the entrance/exit from Clonbrone actually is. With 17a and 17b Esker Lawns excluded from the plans, as is the case with the plans submitted to the council for development of Clonbrone, the entrance/exit appears more manageable than it actually is.

### **Precedent for refusal by Council on traffic and public safety grounds**

One of the reasons for refusal of permission by the Council of previous application SD21A/0026 was:

“Having regard to the lack of information submitted in relation to the proposed vehicular access for the site including the ability of vehicles, emergency vehicles, and refuse vehicles to safely manoeuvre within and access and egress the site, as well as the lack of a road safety audit and the permeability of the site, it is considered that the applicant has not demonstrated that the proposal would not generate a traffic hazard or endanger public safety. The proposal would therefore be contrary to the proper planning and sustainable development of the area”.

The entrance to this development is still on a blind bend and is still the same size as when permission was refused in 2021. The same problems exist of obscured sightlines, lack of visibility as drivers try to exit the development, and the necessity to swing out on the road to make the turn into the development because the entrance is so narrow.

However there have been developments in the area which make it more likely that the proposal would constitute a traffic hazard and endanger public safety.

### **Hazards caused by allowing so much additional exiting traffic beside greenway junction**

As part of the plans for the cycleway, South Dublin County Council are planning to redesign the park beside Clonbrone to create an area where cyclists and other wheeled vehicles, apart from cars, can negotiate a downward zig-zag slope to Lucan village. This area is likely to attract children with skateboards, scooter users etc, thus adding to the likelihood of accidents as residents, visitors, delivery vans, refuse vehicles, pedestrians etc try to negotiate this narrow entrance/exit.

We note that a pole will be relocated and the entrance recessed and signage will be installed. However functional visibility will remain poor for vehicles exiting in terms of oncoming vehicular traffic and additional concerns exist now that the Greenway has been permitted. Any vehicle pulling out to turn right may immediately then have to brake metres away at a toucan crossing. This risk several safety issues if a vehicle pulls out in front of an oncoming adult cyclist due to the speed at which the cyclist may be travelling up to that point, even allowing for its designation as a "shared space", as well as cyclists and pedestrians entering the toucan crossing blind.

Drawing 5006 is inadequate in terms of showing the impact of vehicles coming out of this location with regularity. It appears to suggest that part of the roadway heading up the hill is shared with the junction. If the vehicles come out this far to get a sightline, the impact on cars heading up the hill will be to force them over the central median as a safety measure, increasing the risk of impact with other vehicles.

Drawing 5009 does not indicate the roadway in the same way as drawing 5006 and this discrepancy needs to be addressed. The drawings reference the shared space but don't reference the Toucan Crossing in any detail, when compared with the Council drawing and this is an area that when bikes pass and cars then pull out, may require vehicles to slow down suddenly, not just to turn onto the zig zag route but also for pedestrians crossing over to the footpath on the far side of the road.

There has been no detailed assessment of how this shared space will work in reality. The Council's design as approved by elected members was based on the immediately adjacent housing units being single units and this application adds a whole new complexity to what is already a complex and untested proposal from a road safety perspective.

Having a "discussion" on the matter with John McGee in SDCC does not constitute a detailed

analysis of the risks involved. Not requiring an audit as there is "no redesign of the junction" after discussions does not demonstrate from the developer's perspective how the massive increase in localised traffic at this location will successfully and safely integrate with a complex greenway junction involving vulnerable cyclists, including those entering and exiting from the zig-zag slope on electric bikes and scooters at a toucan crossing location.

It will be next to impossible for drivers exiting the Clonbrone site to pay careful attention to vehicles and pedestrians coming from both sides and also simultaneously pay attention to the Toucan crossing, especially when bikes and scooters etc (and pedestrians) may enter the Toucan crossing within a matter of seconds necessitating a sudden braking by vehicles that will have exited the Clonbrone development. It does not make sense from a safety perspective, and we do not want to have been proven correct in years to come in the event of serious injuries arising from this congested and restricted location. Only a smaller development will assuage these concerns.

#### **New Esker Lawn cemetery**

A new graveyard has opened at the end of the road which has increased and will further increase vehicular and pedestrian traffic as the years go on. This impact has not been assessed.

#### **Narrow entrance still causing challenges for waste collection and emergency vehicles**

We note the revised drawings. However, the narrow entrance and roadway will continue to cause a bottleneck on the driveway that larger vehicles like waste collection, or fire engines, will not be able to navigate. Often a fire engine and ambulance and Garda vehicle arrive at the same time in the event of an emergency. In this situation, there will be chaos. A bin lorry going and out of this location weekly will cause its own problems with a busy cycleway and roadway outside. However, there is no provision for such a large number of domestic bins (14) to be left outside on the street.

#### **Construction concerns**

This will be a huge construction project for such a limited site and given that the proposed roadway is so narrow it will become virtually impossible to contain all the materials on site for a rapid build. Piecemeal is the only way this can be achieved which will prolong the impact on neighbouring residents and road safety issues for cyclists using the greenway. It is not sustainable from this perspective either and Condition 10 does not address concerns. Only a smaller development would minimise disruption locally and reduce road safety risks.

## **Green infrastructure and biodiversity concerns**

There is an abundance of wildlife living on the site that would be impacted by this development. This wildlife is often seen and heard coming from the proposed development site and visiting our back gardens such as foxes, pheasants, squirrels, hedgehogs, bats and a variety of species of birds. This proposed development would be detrimental to the habitat that supports this wildlife, which is of immense concern to residents.

As mentioned earlier we do not have an updated tree survey as per condition 17 which we submit should have been requested and provided as part of Significant Additional Information. It is too late for this to be provided for after the event.

The Public Realm section asked for “an updated detailed tree survey of the site comprising a plan and schedule indicating the precise location, species, spread, height and condition of each tree accurately plotted and showing those trees to be retained and those to be felled with a reason for felling has been submitted to and approved in writing with the Public Realm Section.”

The Council's condition 17 stated that "No work shall be commenced on site until a detailed tree protection plan for all existing trees to be retained & protected during construction works in accordance with BS 5837:2012, Trees in relation to design, demolition and construction has been submitted to and approved in writing with the Public Realm Section.

Without detailed clarification in advance of planning as to what trees currently exist, it is difficult to subsequently draw up a tree protection plan for trees that no longer exist. It has been noted that numerous trees have already been cut down on the site and that this may continue in advance of such a survey.

The green infrastructure report submitted identifies just two trees as suitable for retention and designates the remainder as poor quality. Some of those designated as “poor quality” provide a valuable contribution to the existing green infrastructure and can be managed for many years to come and replanted as and when they need to be removed. Virtually destroying an entire established ecosystem with promised new planting that will be difficult to enforce by the planning authority given its limited resources (only a fraction of enforcement orders are actually

followed up) does not constitute proper planning and development. We should have had the opportunity to make these points to the local authority without the need to appeal to An Bord Pleanála.

The proposed development runs directly along the boundary wall of the properties in Esker Lawns. This causes privacy concerns. The solution in terms of biodiversity and the pocket forest principle, would be to allow for hedgerow growth to the rear of Esker Lawns so as to create a corridor for wildlife. Additional tall trees may enhance privacy, but they will also overshadow. Therefore, any tree planting should not significantly exceed the boundary wall, but there is potential for the retention of existing trees, the planting of smaller trees and the encouraged growth of natural Irish hedgerow which would be inaccessible to humans but act as a wildlife corridor given that a fence and concrete will be along the border on the far side of this development. This would be allowed for with the further setback of properties as argued in other sections.

**On the basis of the above arguments, we request that this application be rejected.**

## **Part 2 - Objection on the basis of lack of determination of information received as "Significant Additional Information"**

South Dublin County Council requested a number of items of additional information from the developer prior to granting permission. We contend that some of this information was "significant" in that it warranted residents being able to make further submissions on the information provided.

However South Dublin County Council considered the additional information to be minor in nature, despite these minor adjustments apparently having a major impact in terms of influencing the Council's decision when compared with the decision not to grant permission for the previous 2021 application, which cited many other factors aside from the impact of the deleted House 8.

There are many other arguments against this application, which we will elaborate on, but the additional information provided is not sufficient to address prior concerns about the location of House 7, nor does it, for example, provide a comprehensive response to the challenges faced by placing a multi-house development at the top of a sharp bend, now exacerbated by a major cycleway granted permission by the elected members of South Dublin County Council to construct a significant junction in the immediate vicinity of this entrance.

The green infrastructure information provided is also inadequate and we question whether Condition 17 seeking a detailed tree protection plan for all existing trees to be retained & protected during construction works should not also have been a request for significant additional information given that the Parks section requested the developer to "provide an updated detailed tree survey of the site comprising a plan and schedule indicating the precise location, species, spread, height and condition of each tree accurately plotted and showing those trees to be retained and those to be felled with a reason for felling has been submitted to and approved in writing with the Public Realm Section."

We would ask if legally possible that the Board to refuse permission on these grounds alone; that developer should resubmit a revised planning application integrating these changes and the local authority should scrutinise these following submissions made by residents.