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4th November 2026.

Appeals Section,
An Coimisiun Pleanala,
64 Marlborough Street,
Dublin 1

Re: Third Party Planning Appeal in respect of proposed dwelling at Eden Road, Glasthule, County Dublin. Reg. Ref. D26A/0133WEB

Dear Sir/Madam,

We have been retained by the residents listed below to lodge a Third Party appeal against the decision of Dun Laoghaire Rathdown County Council to grant permission for a dwelling house on a former builder's yard accessed off Eden Road, Glasthule, County Dublin.

The register reference number was D26A/0133Web and the date of the decision was 9th of October 2026. An appeal against this Decision must be lodged by 5th November 2026.

We enclose a copy of the Decision together with the payment of €220 being the payment for a third party appeal in respect of a residential development.

This appeal is being lodged on behalf of the residents listed below.

- Michelle Dolan -9, Devitt Villas A96 H2C1
- James and Paula Kelly -5, Dixon Villas A96 KP68
- Fergus and Frieda Finlay-15 Adelaide Road (A96 CX54):
- Eve O'Kelly- 1 Lower Eden Road A96 NX54
- Bernadette Comerford-5 Eden Road Lower A96 W57T
- Gerry Jones-89 Adelaide Road A96 T6R3
- Penny Freer- 11 Devitt Villas A96 C1X2
- Mary Carroll- 14 Adelaide Road A96 YW98
- Grainne O'Malley- 6 Eden Road Lower A96 FT22:
- Kathrina Bentley- 3 Lower Eden Road A96 KN23
- Claire McMahon - 10 Devitt Villas A96 T6Y6
- Susan and John McMahon - 10 Devitt Villas A96 T6Y5

We enclose each of the letters of acknowledgement that Dun Laoghaire Rathdown County Council issued to each of these parties.

Site Context

The site of the application is a vacant former builders yard surrounded by existing houses on Adelaide road, Eden Road and Devitt Villas. Access to the site is from Eden Road. See image below.



Figure One – Aerial View of site. Source Google Earth

In considering the site context the Decision makers should have regard to the short gardens, with extensions, (in the image sun filled) of Devitt Villas with the potential for a development to overlook and overshadow the rear of these properties. Similarly, the Properties on Eden Road have short gardens and indeed have their building up against the boundary. Finally, it should be noted that the buildings on Adelaide Road have constructed extensions (with permissions) that bring these residential units and their windows closer to the site. Again, the potential for overlooking, overshadowing and being overbearing would be very difficult to avoid. These extensions are not shown on the site plans lodged with the application, thereby giving an impressions of a greater distance between the existing and proposed building than would occur.

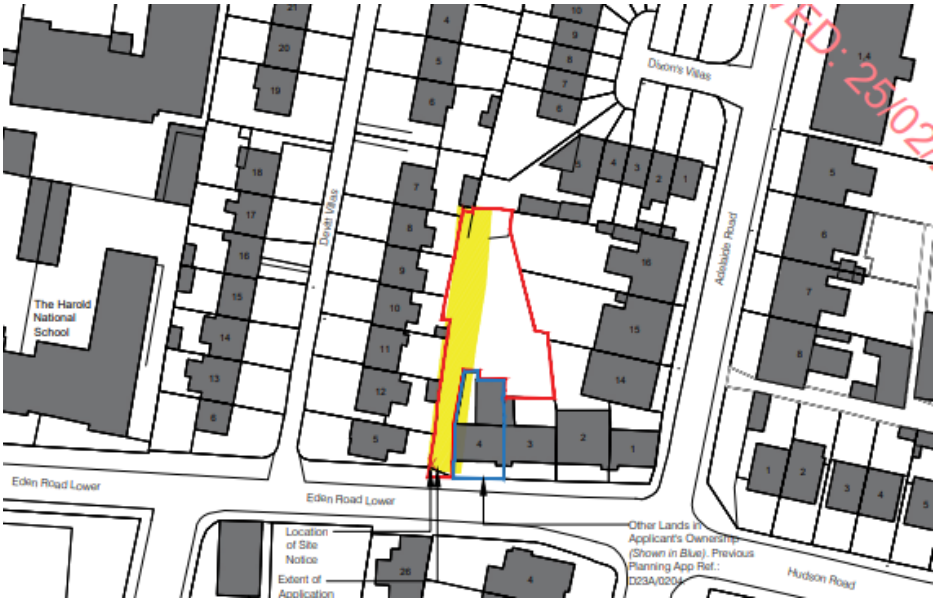


Figure Two – Site Location Plan, Source Application lodged

Pre Planning Application

A Section 247 Pre-Planning Consultation (PAC Ref. No: PAC/170/24) was held in relation to a property with an Address of Property: Site to the rear of 4 Eden Road, Glasthule, Co. Dublin

The Description of Proposal was stated to be: New single-storey flat roof dwelling with rooflights, two on-site parking spaces and associated site works. The Planning Officer commented,

"The applicant should consider a redesign of the dwelling to a **'pavilion'** type house occupying the main body of the site, of rectangular, V-shaped, or L-shaped built form, centrally located in the site, surrounded by significant areas of landscaping, including soft landscaping along the site boundary. The provision of a smaller footprint, with a split level/parlour house typology, referencing existing buildings in the area, or the further lowering of ground levels to provide a semi-basement level, should also be explored. The applicant should provide a high-quality architectural response to the site, maximising the level of daylight and usable private open space, while minimising the level of overlooking and overshadowing to/from neighbouring property".

A Pavillion House type

We carried out a search in the search engine Perplexity asking what a Pavillion style of house was. The following is the result.

A **pavilion-type house** is typically a low, horizontal, light-filled home made of one or more simple "wings" or volumes, strongly connected to gardens, courtyards, decks, or views. It is **most commonly single-storey**, although a two-storey pavilion house is possible—usually with a low-profile upper level rather than a tall, conventional two-storey façade.



What it looks like

A pavilion house usually has:

- **Separate connected wings:** living, sleeping, and utility areas may be arranged as distinct rectangular volumes linked by a hallway, glazed link, breezeway, or courtyard.
- **Large glass walls and sliding doors:** floor-to-ceiling windows and wide openings bring in daylight and create a strong indoor–outdoor relationship.
- **Open-plan living:** kitchen, dining, and living areas often flow together, with visual continuity toward the landscape.
- **Low-pitched, skillion, or flat roofs:** these reinforce the horizontal, modernist character and can allow clerestory windows or high ceilings.
- **Deep eaves, verandas, decks, and courtyards:** outdoor rooms are treated as part of the house rather than as an afterthought.
- **Clean materials and simple geometry:** expect brick, timber, steel, glass, concrete, or rendered walls, with restrained detailing and an emphasis on natural light and ventilation.

In plan, it might look like an **L, U, T, or H**: for example, one wing contains the open kitchen/living/dining space opening to a deck, while another wing holds bedrooms and bathrooms,

with a courtyard or garden between them. A real example, Rob Kennon's Pavilion House, uses an H-shaped single-level plan so that each part is only one room deep and opens to landscaped courtyards.

Single or two storey?

Aspect	Typical pavilion house

Aspect	Typical pavilion house
Storeys	Usually **one storey**; sometimes a low second level.
Massing	Low, wide, and horizontal rather than tall and vertical.
Why single-storey works	Suits the style's accessibility, indoor–outdoor flow, courtyards, and connection to the garden.
When two storeys appear	On a smaller site, or where bedrooms are placed above a living pavilion; the design may still keep a horizontal roofline and generous glazing.

So, if someone describes a house as "pavilion style," you should generally picture a **single-level, glassy, garden-oriented home with separated wings**—not necessarily a small house, but one that spreads out across the site rather than stacking rooms upward."

Planning Application

Following this pre planning consultation the applicant architect proceeded to prepare and lodge the planning application for a two storey plus pitched roof for this site. Such a building is the equivalent of a 2 and a half storey building which is greater than the surrounding buildings to which it should be subservient. Moreover, the volume of the building led to a footprint that provides a site coverage significantly in excess of what might be expected. The visualisation submitted clearly outline the scale, mass and bulk of the proposal and its potential impact on the wider area.



Figure Three: Image of the proposal from Eden Road.



Figure Four: Image from within the site.



Figure Five: Image from within the site.

Response by local residents to the application

A Summary of Observations from neighbours has been prepared by the appellants and is given below.

No neighbour objects in principle to the construction of a house on the site. Many neighbours would assert that they were given to understand from the beginning that what was proposed would be a bungalow and were shocked when they saw that actual development.

Many of the neighbours are seriously concerned about flooding risk. It is known for instance, that one resident in Devitt Villas has experienced extensive water damage and is being rehoused by the Council to enable remedial works to be undertaken by the Council (subsidence due to underground water is suspected). Other concerns are expressed below.

1. 9, Devitt Villas A96 H2C1: Concern about excessive height of the proposed development – highest in the neighbourhood and well in excess of all neighbouring houses; concern about privacy; concern about light being blocked.

2. 5, Dixon Villas A96 KP68 (life-long resident): Concern that the proposed development would seriously overlook the rear of their two-storey home, including kitchen, living space, bedrooms and back garden amenity, with a major impact on privacy; serious effect of shadowing and loss of sunlight; concern about flooding around the gate of the proposed development (based on many years of memory).

3. 15 Adelaide Road (A96 CX54): Concern that proposed development will actually encroach into their back garden; concern that proposed drawings fail to take account of the extension to No. 15 and therefore overstate the distance from the proposed house; concern about overlooking, overshadowing and overbearing nature of the proposal due to number of windows directly looking in and height of the proposed development; concern about inaccuracies in proposed drawings. (Revised drawings submitted to Council actually include an additional very large window directly looking into 15.)

4. 1 Lower Eden Road A96 NX54: Concern about height and bulk of proposed development which will overlook all the surrounding houses; significant concern about flooding, already a regular occurrence and is directly related to a culverted stream that runs directly through the proposed site ("a breach of the culverted stream would be catastrophic to … adjoining properties including Eden Road and Devitt Villas"); concern about traffic and parking, especially given proximity of school.

5. 5 Eden Road Lower A96 W57T (house immediately next door to entrance to proposed development): long and substantiated history of surface waters flooding on Eden Road; evidence supplied of recent flooding at the entrance to the site and an OS map showing an unmaintained pipe carrying water through and under the site.

6. 89 Adelaide Road A96 T6R3: Concerns arising from a long and substantiated history of extensive and damaging flooding related to the culvert under the proposed site. Attention of the Council has been drawn to this issue in the past; concerns arising from the fact that several near cottages are heritage structures with no or very shallow foundations and would be very vulnerable to any rock/concrete breaking; concerns arising from the height and bulk of the proposed development (the proposed length of the development is 2.5 times the length of all nearby houses).

7. 11 Devitt Villas A96 C1X2: A resident for 17 years, whose home directly adjoins the proposed development. This observer has expressed strong reserves about flooding risk if the Glas Tuathail / Toole's stream were to be affected by the proposed development. This stream runs

under Eden Road and the proposed development as shown on an early OS map XX111-7 (submitted). It runs parallel to Adelaide Road and to the East of the Harolds School and under the proposed development site.18 homes, including heritage cottages and villas surround the proposed development, while 7 houses are impacted by the streams located inside and around the proposed development site.

The proposed development suggests lowering the floors to reduce building height. We would need to be assured that the county council would carry out extensive independent water surveys to guarantee there would be no risk of flooding to the surrounding properties. The proposed development would not be compliant with the Backland Residential Development in terms of size, mass, height or design and fail to avoid overlooking or loss of privacy. The 'shadow study' in the submitted drawings appear to be inaccurate and don't show loss of light throughout the day around the whole development.

8. 14 Adelaide Road A96 YW98: Concerns due to inaccurate claims in the plans submitted for the development; concerns due to the lack of respect in the design for the heritage cottages and villas immediately surrounding it on Eden Road and Adelaide Road; concerns due to the overlooking height and overbearing size of the development which will greatly affect privacy and light; concerns due to the inaccuracy of assertions minimising flooding risk; concerns due to a large number of inaccuracies in the drawings accompanying the planning application, particularly as they refer to elevations, light and shadow, and missing or inaccurate visualisations

9. 6 Eden Road Lower A96 FT22: Concerns due to flooding history and lack of maintenance of drainage network, including a culvert on the site believed to be in poor condition; concerns due to the fact that the proposed design is not aligned to council backlands policy in terms of design, proximity and scale.

10. 3 Lower Eden Road A96 KN23 (one of the last four remaining pre famine heritage cottages built in 1841directly adjoining the proposed development): Concerns due to flooding risk and history - the entrance gate to the proposed development lies between cottage number 4 and house number 5 and is affected by chronic and persistent heavy flooding throughout the year; concerns arising from the fact that the heritage cottages would be seriously affected by any rock breaking due to shallow foundations; concerns arising from the height and mass of the development leading to excessive over-looking and over-shadowing, rendering the back garden of No 3 potentially unusable.

11. 10 Devitt Villas A96 T6Y6 (life-long resident): Concerns due to direct overlooking of kitchen, bathroom and bedrooms; concerns due to elimination of sunlight; (as a teacher) concerns over safety when traffic reverses out of the site because of the proximity of the nearby school; concerns over flooding risk and flooding history; concerns over design not in keeping with design all around.

12. 10 Devitt Villas A96 T6Y5 (life-long residents): Concerns due to overlooking and loss of privacy; proposed development out of line with public policy due to height and scale; residents assured in advance that only a bungalow was being considered; local authority has a duty of care to the neighbourhood.

Assessment of application by Planning Authority

In assessing the application as originally lodged, the Planning Officer stated,

> Having regard to the site's character and constraints, and the distances from properties to the east and west, a two-storey height for part of the building may be acceptable. However, it is considered that, in its current form, the proposed house has the potential for significant visual and residential impacts, owing to its scale and bulk, particularly at first floor level. It is considered that this would significantly affect the visual and residential amenity of neighbouring buildings, particularly the single-storey houses to the south. The applicant will therefore be requested to reduce the bulk and massing of the house at first floor level, and the associated visual and residential impacts to neighbouring properties, by way of Further Information.

In relation to the issue of legal ownership the Planning Officer noted,

> Third-party objections in relation to encroachment into neighbouring gardens are noted. Any issue of encroachment/oversailing is a civil matter and cannot be addressed through the planning system. Additional objections in relation to inaccuracies in the drawings are noted. Notwithstanding this, it is noted that the application was validated, and it is considered that the application drawings and documentation provide a reasonable impression of the proposed development.

In relation to the impact on the amenities of adjoining residential properties the Planning Officer stated,

> Having regard to the nature and extent of development proposed, and the site character and context, it is considered that the development has the potential to cause undue overlooking or overshadowing to neighbouring property. Third-party objections to the development are noted in this respect. While there will be some additional level of overshadowing or overlooking may be acceptable, it is considered that in its current form, the development has the potential to materially affect the privacy and amenity of neighbouring properties, and would have an overbearing impact, beyond what would be considered reasonable in the context of the site. The applicant will therefore be requested to reduce the bulk of the development at first floor level, with a consequential reduction in the impact to neighbouring properties, by way of Further Information.

In relation to the flooding issues raised by most of the adjoining residents the planning officer responded as follows

> The report received from Drainage states that, subject to surface water conditions, there are no objections to the proposed development. A report was also received form Uisce Eireann, which states that there are no objections to the development, subject to standard conditions.
>
> Third-party concerns in relation to the drainage arrangements and flood risk on the site are noted. In order to ensure that the development does not have an impact on the surface water network in the area, or create a flood risk, the applicant will be requested to investigate the site and respond to the issues raised by the third parties.

Accordingly, in view of this assessment and the issues raised by local residents, the Planning Officer recommended that Further Information be sought to address these issues.

Request for Further Information

The Planning Authority requested Further Information as follows.

1. The applicant is requested to consider a revised design for the development, with a reduced scale and bulk at first floor level, and a consequent reduction in adverse impacts to neighbouring property, particularly the single-storey houses to the south. This should incorporate a substantial setback from the property boundary to the south at first floor level.

2. The applicant is requested to do a flood risk assessment in order to respond to concerns in relation to the presence of a possible culverted stream within the site and associated impacts on surface water and flood risk.

Response of Planning Authority to Information submitted

In response to this request the applicants amended the house type to an almost insignificant extent, such that local residents were unable to see any difference in the plans lodged for an amended house type. The planning officer assessed the drawing submitted as follows.

In response to this point of the FI request, the applicant has provided a revised design for the proposed house with an increased set back from properties to the South and 1st floor level. The contents of the response to this item of the FI request are noted. The applicant has reduced the size and scale of the first floor of the house with an increased set back of circa 2 metres from the neighbouring houses to the South. It is also noted that other minor alterations to the floor plan are proposed as part of the redesigned house which serve to reduce its scale and visual bulk particularly at first floor level. Having regard to the revised plans it is considered that the development as modified by the FI submitted will have a significantly reduced visual impact on the area with a less overbearing appearance and consequently a lesser impact on the visual amenity of the area. The increased separation distances proposed would also result in less overlooking and consequently the impact on the privacy and amenity of the nearest neighbouring properties would be reduced. The revised development would continue to provide an acceptable level of internal residential amenity.

We do not agree with this assessment, hence this appeal. The marginal set back from the south side does not improve the position in any appreciable way for houses to the south. The Planning Offficer fails to consider the impact on houses to the wast (Devitt Villas) and to the east (Adelaide Road) in his assessment of the RFI. In reality the changes worsens the position of houses to the east by adding an additional window to increase, rather than reduce, overlooking.

The planning officer concluded that the proposal "*would not now not materially affect the visual or residential amenity of neighbouring properties. The applicant's response to this point of the RFI request is therefore considered acceptable.*" We disagree. This contains a double negative but apart from that we contend the proposal continues to materially affect the visual and residential amenity of neighbouring properties in an adverse manner.

In relation to responding to the second point of the further information request the planning officer noted that the applicant has submitted a flood risk assessment for the proposed house.

The planning officer assessed this report as follows. *The submitted flood risk assessment sets out the background to the site and detailed drainage assets in the area including the culverted stream and outlines the potential source of flooding and their likelihood. The assessment concludes that the overall flood risk to the development is low however mitigation measures are proposed to manage any residual risk which may occur. The proposed mitigation measures including higher finished*

floor levels for the building and the floodgate are intended for residual risk only and the development would not be predicated on these measures. The contents of the report are noted and having regard to the report and the original drainage report received in the planning application it is not considered that the proposed development would pose any surface water risks or constitute a flood hazard. The applicant's response to this point of the RFI request is therefore considered acceptable.

The Planning Officer then concluded;

Having regard to the objective A zoning of the subject site, the site character and context, and the nature of the proposed development, it is not considered that the proposed development would adversely impact the residential amenity of adjacent properties by reason of overshadowing overlooking or overbearing appearance. In addition it is considered that the proposed development would not detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dun Laoghaire Rathdown county development plan 2022 to 2028 as varied. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area

We do not agree in any way with this assessment of the proposal, and we will set out in the following section the grounds of our appeal against this Decision of the planning authority,

Grounds of appeal

The Issue of Compliance with DLR Planning Policy

Section 12.3.7.6 in the DLR County Plan relates to backland development. It states,

Backland residential development usually involves the establishment of a new single dwelling and a building line to the rear of an existing line of houses.

Where the planning authority accepts the general principle of backland residential development to the rear of smaller more confined sites, within the existing built up area, the following standards will apply

- *generally be single storey in height to avoid overlooking,*
- *appropriate scale relative to the existing dwelling and of high quality design*
- *adequate vehicle access of a lane width of 3.7 metres must be provided to the proposed dwelling to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.*
- *A wider entrance may be required to backlit development to or from a narrow laneway.*
- *existing dwelling and proposed dwellings shall have a minimum individual private open spaces, exclusive of parking, 48 square metres each for 1/2 bedroom units or 60 square metres plus for 3/4 or more bedroom units.*
- *Proposed single storey backland dwelling shall be located not less than 15 metres from the rear facade of the existing dwelling and with a minimum rear garden depth of seven metres.*
- *Where a two storey backland dwelling (is proposed) it should be located not less than 22 metres from the rear facade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.*

Having regard to these policies, it is clear that the preference is for a single storey structure, set back from the boundaries, so as not to injure the amenities of adjoining properties by way of overlooking overshadowing or overbearing appearance. It is submitted that this application has clearly failed this test and is not consistent with the very clear policy of the DLR county development plan on Backland Development.

The Issue of Flooding

The issue of flooding both within this site and the adjoining properties/footpath roadway is a recurring theme in the submissions lodged. Clearly the issue of flooding exists and needed to be addressed in this application before permission could be granted. The planning authority therefore requested further information from the applicant in relation to this matter. In response, the applicants engaged the services of a consulting engineering firm, JBA consultants, to prepare a flood risk assessment report.

It is of note that the report accepts that flooding occurs, they identify the causes of it and then set about recommending measures to be carried out within the applicant site so as to ensure that any future house within the site will not suffer damage as a result of flooding. The difficulty with this approach is, of course, that it does not attempt, nor is it required to, because it's acting on behalf of the applicant only, to address and resolve the flooding issue in the wider area, which mainly effect

our clients. The report seeks to address how a new house here will not be adversely impact by any ongoing flooding which will occur in the area.

It is also of note that, because of the four week time frame within which the planning authority has to issue a decision on further information, the JBA consulting report was not submitted to nor commented on by the Council drainage department.

The report notes that the Glasthule stream runs in a culvert through this site. Local residents report that this long existing culvert has given rise to the escape of floodwaters for many years quite possibly because of the age and bad condition of the culvert. The JBA report identifies this is the source of flooding in the area and accordingly move on to suggest mitigation measures. The report states

"The primary residual flood risk to the site is associated with surcharge from the combined gravity main manholes located within and outside the site boundary. A site visit was carried out to validate the presence and location of the sewer manholes. Mitigation measures proposed for the potential flood sources are discussed in the following sections."

The report concludes with two mitigating measures in particular, as follows

"While pluvial risk to the site is low, there is residual risk from surcharge of sewer manholes - one located within the site and another on Adelaide Road, which may potentially result in surface water flooding. This is especially noted as the site entrance is on a low point on the Eden Lower Road. Mitigation of the risk is managed through provision of a floodgate with a minimum of 0.60m threshold above existing footpath and road levels. Finished floor level on the site is to be set at a minimum of 7.95mOD, which provides 0.17m threshold above the cover level of the existing manhole on site. A bypass to the existing sewer manhole is proposed subject to Uisce Éireann's approval. Proposed manholes, that will form part of the bypass, will be sealed to reduce the risk of surcharge."

In summary two mitigating measures are proposed, the first is a floodgate at the entrance to the site to prevent flooding from the road and footpath entering into the site and the second is to raise the finished floor level of the proposed building to ensure that whatever flooding occurs within the site will not cause injury to the proposed building. These measures are proposed in order to prevent flooding in the area having an adverse impact on the new house.

There are two adverse outcomes of this for our clients. Firstly, the floodgate will push and increase flooding on the adjoining footpath and roadway with consequential damage to the houses on Eden Road. Secondly the proposed house must be increased in height. No drawings have been submitted to show the altered house as a consequence. The outcome is however that in the context of a backland site to which a single storey house should be proposed and where instead a two storey plus pitched roof is proposed, the house now has to increase further in height without any drawings being available as to what that increased height might be.

We would suggest that based on the documentation available in this file, the Commission cannot be satisfied as to the impact of flooding either on this proposed house or on neighbouring lands and accordingly permission should be refused on this account.

The issue of the house type proposed

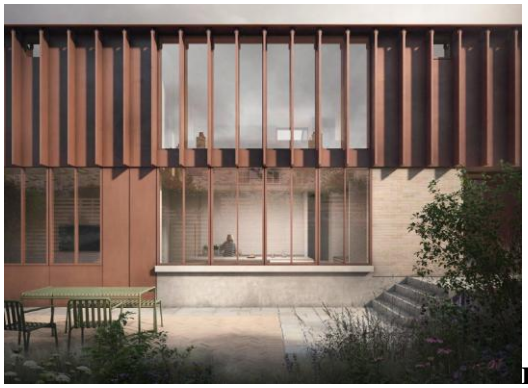
Our clients strongly believe that a single storey pavilion type house would be appropriate on these lands and as stated they would have no objection to such a proposal.

They are surprised however as to how a proposal can change from a) a pre planning consultation for a single story house is suggested, to b) a planning application for a two storey pitched roof proposal is lodged, c) the planning authority state that this will injure the amenities of neighbours by way of overlooking overshadowing and overbearing, and d) how once a minimal change is made to the

proposal, the planning authority can find its way to grant permission for something it identified earlier was largely unacceptable.

The change made at RFI stage was minimal. The planning officer notes that the upper floor is moved two metres away from the buildings on the southern side of the site and therefore the proposal is now acceptable. He makes no mention of impact on buildings on the East or the West of the site, nor the presence of an additional window facing the houses on Adelaide Road. It is our strong contention and that of our clients, that the development as proposed will cause serious injury to the residential amenity of the properties on all sides of the site, not just the South side.

As stated in the site context section of this appeal the buildings on Devitt Villas have short back gardens, often with extensions and so the height volume and design of the building is overbearing. Moreover, they will suffer from significant overlooking, notwithstanding the existence of "fins" which are usually intended to reduce overlooking.


Figure Six: Overlooking windows facing toward Devitt Villas.

In addition, the buildings on the east side of the side facing onto Adelaide Road have extensions within their gardens that are not taken account of in the size location plan. In addition, there is no visualisation of the building facing Adelaide Road. Again, the proposal will be seriously injurious to the residential amenities of properties on Adelaide Road by way of overlooking, overshadowing and overbearing.

In view of this the proposal is clearly an oversized and incompatible proposal for a site of this size and configuration, having regard to the location of adjoining residential dwellings.

The issue of ownership of the property.

It is a core tenet of the planning system that an applicant to validly lodge an application must have "sufficient legal interest in the property in order to carry out the development". In this case they do not.

It is understood, however, that where a third party disputes that the applicant has sufficient ownership, the planning authority will not adjudicate on competing claims within the context of a current planning application as they believe forming such a judgement is outside their remit.

Nevertheless, the extent of the red line on the planning application intrudes significantly into the rear garden of 15 Adelaide Road where one of the Parties to the appeal has his office. This is based on the applicants interpretation of an OS map. If permission was however to be granted for this application, we understand that the residents in question will have no choice but to take legal action against attempting to implement such a flawed permission.

On the other hand, should permission be refused and the applicants were to reapply, this matter can be resolved by agreement in advance of that new application.

Conclusion

It is clear this proposal is contrary to the detail and spirit of DLR development plan policy relating to proposals for development on backland sites. The planning authority stated as a reason for granting permission that in their view the proposal complied with their policy as stated in the development plan. It is submitted they are mistaken in this, and accordingly Council Planning policy should not be relied on something favouring this development.

It is our view that the pre-planning consultation laid down a very clear pathway for obtaining permission. The applicants however choose to depart from that pathway and accordingly must bear the outcome of that choice.

The issue of flooding is a serious one, not just within their site but on the surrounding area. The Flood Risk Assessment report submitted as part of the further information has not been assessed by the Drainage section within the planning authority. The report does accepts the existence of flooding and suggests mitigating measures that enable the house proposed to be constructed, with amendments. It does so however in a manner that ups the unacceptability of the proposal by increasing the height of the new building quite apart from the impact of a floodgate on the adjoining roadway and footpath.

It is submitted that the issue of flooding has not been satisfactorily dealt within the context of this file. This is another reason for refusing permission and ensuring a measured response to this issue in a new planning application.

The house type proposed to be amended as a consequence of the further information reduced slightly the upper floor in the interests of improving its relationship with houses to the South of the site namely on Eden Road. This was the only change requested by the Planning Officer. It is submitted the effect of this difference would be negligible.

The RFI change did nothing for the relationship of the proposed house to properties to the west, Devitt Villas or to the East on Adelaide Road. The proposal is even more seriously injurious to the residential amenities of properties to the West and East by way of increased overlooking, overshadowing and overbearing. In that regard, the amended proposal adds a window facing the east and the Planning Officer did not assess this change.

In summary, this unacceptable oversized proposal must be refused permission in the context of complying with planning policy; complying with the development management provisions of the development plan; protecting the residential amenities of the area; minimising flood risk and ensuring that any development is consistent with the proper planning and sustainable development of the area which this proposal is not.

In conclusion, therefore we request that the Commission refuse permission for this unacceptable proposal, thereby requiring the applicants to reconsider and propose a more acceptable proposal that is consistent with protecting the residential amenities of the area, and has regard for the flooding issue relating to this site.

We look forward to a Decision in due course.

Yours Faithfully,



Tony Manahan
Manahan Planners