Email: leixliplife@gmail.com The Toll House

Dublin Road Street

Leixlip

Co Kildare

W23 X0V5

30th December 2020

Planning Department,

South Dublin County Council,

County Hall,

Tallaght, Co Dublin.

**Re: Request under Article 5, Planning and Development Act, 2000, as to whether what the applicant, (the undersigned John Colgan) herein perceives as development, is or is not development or is or is not exempted development within the meaning of this Act.**

The perceived development site – called *Roseville* - is located in Lucan Demesne townland, Leixlip Road, Lucan, in South County Dublin administrative area in a broadly truncated-triangular parcel of land demarcated by Leixlip Road (to Lucan) on the southern boundary; by the battlement wall of Leixlip (Liffey) bridge on the west; by its boundary with the next adjoining (a second generation Rice family residence known as *Cache Creek*) to the east and somewhat ambiguously on its northern boundary.

The northern boundary of *Cache Creek* did not extend onto the private roadway from Leixlip Bridge to *Lucan House*; so its previous owner, the late J Val Rice, told me; he added that he later purchased it. This roadway exited via the masonry gate piers (protected structure) of *Roseville*. The immediate previous owner (Jim Downey) of *Roseville* told me many years ago that there was a right-of-way through his gate along the roadway.

There is a steep escarpment from a man-made plateau which is much of the site down to the masonry containment wall of the river Liffey. This escarpment was heavily wooded and is part of the Liffey Valley. Fortuitously, I took a [dated] photograph of it in November, 2019, before recent developments on the Roseville site. I am enclosing a copy of it here with the option of emailing it to your Council.

An ancient set of stone steps at the eastern boundary of the site extends from the plateau down to the foot of the escarpment. This may have been installed by the owners of Lucan House, the historical owners of Lucan Demesne townland.

I have known the property since I came to live in Leixlip in 1969 as “Roseville” the home of the Jim Downey family during all that time. I have known the property better from the northern vantage point since I purchased the Toll House (a protected structure in the contiguous County Kildare) on Leixlip Bridge as my family home in September/October 1991.

Jim Downey left Roseville as a widower to live in an apartment and Roseville was put up for sale. It was for sale for several years before it was purchased by Lara Lenehan and her husband, Justin Winston, probably in 2012+.

Up to the time of Lenehan/Winston purchase of Roseville, the structures on the site consisted of an ancient gate lodge (to Lucan House) which had a few small extensions added. The woodland landscaping on the escarpment and some above that remained and provided cover to the rear of the gate lodge, the Downey residence. All that could be seen from my property on the northern bank of the Liffey was part of the grassed plateau; the rest was masked by the woodland landscape.

Early in 2017 Lara Lenehan introduced herself to me as the new owner, with her husband, of *Roseville* and said they were looking for planning permission to alter the house there. She added that her mother lived in Sligo and she would be including a ‘granny flat’ in the structure.

A planning application, ref no SD17B/0123 was lodged with your council on 4/4/2017. The notice cited the wrong county of location and an address by which the property would not be readily identified, and the *Roseville* name plate having been removed from the entrance pier. No submissions were made to the proposed development and a permission issued, with no Heritage nor Conservation officers’ reports to inform the decision and no conditions to protect the views, vista, amenities and landscape of the Liffey Valley which bounds the site were imposed.

Development to the residence structure took place; I presume in compliance with the permission granted.

Subsequently a line of single storey timber buildings, with window(s) and door(s) were constructed contiguous to the eastern boundary of the site; and later abutting the northern face a pile of stored timber.

On 11/11/2020 a substantial, tall, timber building was erected on the principal flat of the Roseville site and seated effectively at the top of the escarpment from the Liffey containment wall. Part of the wooded area was removed exposing much of the site which had hitherto been occluded by the wooded landscape of the Liffey Valley. The new wooden structure is substantial and overlooks our property, being ugly in appearance, and has two windows in the northern face, other windows (curtained?) in the south-eastern face and a doorway. It has been insulated, lighted in twilight and later and appears to be used as an annex to the principal residence, recently the subject of a grant of planning permission. There has been no consultation with us about this or any other related matter by the owners.

Sometime shortly before 12/12/2020 a green material was affixed to the north-face of this timber structure, using a double extension ladder to facilitate its fixing on the edge of the precipice down to the river. The ladder remains there to this day, spoiling what has hitherto being essentially a wild landscaped area. There is also a new, conspicuous, bare-timber fence installed by or for the owners, running down the escarpment where none had hitherto been. *On other occasions a white one-tonne sack was cast down the escarpment and left for several years; more recently, used 9 inch hollow blocks thrown down the embankment, and annually bonefires lit on the bank by the owners’ teenage children. It’s no pleasure citing this, but it is indicative of a lack of respect for the provisions of the development plan (Zone HA) “to protect and enhance the outstanding natural character and amenity of the Liffey Valley”areas which had never been an issue hitherto.*

On or before1/12/2020 the roadway from the kerb with Leixlip Road back into the site was surfaced with macadam; I suspect no on-site soakage has been installed. This is a critical matter for me and other occupiers in Lucan and Leixlip where our properties are vulnerable to transient flooding. In fact, no flood insurance cover is available to us. If there has been a suitable soak pit installed to abate instantaneous discharge of rainwater to the River Liffey in place of the natural soakage with hitherto applied, it is not an issue. Maintaining the viability of a 290 year old protected structure, as the Toll House is, is precarious at any time.

I am seeking a declaration under Article 5 of the Act in respect of these issues.

I am enclosing a cheque with this letter, being the requisite fee.

I will email a copy of this letter along with the jpegs of photographs associated with it to [planningdept@sdublincoco.ie](mailto:planningdept@sdublincoco.ie).

Yours sincerely,

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John Colgan