Tel 01 6244631 The Toll House

Email leixliplife@gmail.com Dublin Road Street

Leixlip

Co Kildare

W23 X0V5

30th November 2020

Planning Control Department,

South Dublin County Council,

County Hall,

Tallaght, Co Dublin.

**Re: Alleged Unauthorised Development in Lucan Demesne townland, Leixlip Road, Lucan, Administrative County of South County Dublin by, or for, Justin Winston and his wife, Lara Lenehan, at the house known for many years as Roseville.**

The Roseville site (no current name since its occupation by the above couple in 2016 or later) is essentially a truncated triangle, bounded on the south by the road from Leixlip Bridge over the Liffey, bounded on the north by a fence mearing on the south bank of the Liffey, which runs from west to east; bounded on the west by Leixlip Bridge and on the east by a timber rail fence (newish..), which separates it from the Rice family residence, called Cache Creek. There is a steep escarpment from a man-made plateau on the site down the Liffey’s edge. It starts acutely at the top of the escarpment.

The county boundary between SDCC area and Co Kildare is the central line of the Liffey through the principal arch of Leixlip Bridge, a Protected Structure in the development plans of both counties.

Leixlip Bridge was constructed following the Dublin to Kinnegad Turnpike Act, 1729 by the Turnpike Commissioners during the following couple of years. The Bridge consists of five arches, nos. 1 to 3 over the river, and nos. 4 and 5 formerly covering two headraces which predated the Bridge. The headraces were made redundant following the construction of the hydroelectric power station upstream in the 1940s; they now serve as storage space and a car port in my residence, the Toll House, a Protected Structure in the Co Kildare Development Plan.

Leixlip Bridge is unique in two respects: it is covered in stonemasons’ marks on all the cut-stone (ashlar) masonry (the subject of an article by me in the JKAS) and is the only known such bridge pre-railway era. Secondly, for a bridge of its time, its construction date is precisely known. A pedestrian, crossing the bridge, or a cyclist, car or bus traveller, has views downstream of the Liffey enclosed by the aforementioned site on the south bank, and the garden of my residence, the Toll House, formerly the Bridge House, on the north bank. This garden is about 3 metres above the Liffey bed level.

The Toll House, as the name suggests, was used originally to collect tolls from traffic using the turnpike road. I have the hinge off the toll gate (turnpike), which I salvaged from the Liffey. The house was built contemporaneously with the bridge and acts, partly, as a buttress for the bridge’s eastern battlement wall. About 13 years after its origination (~1730), the house was enlarged to the rear as a condition of a lease on it to a Mr Glascock. That remains its present shape, as defined in a drawing created when the Town Book of Leixlip was being made for Griffith’s General Valuation; with the exception of a ground-floor extension, constructed about a year ago following a grant of planning permission by KCC. The hall door to the Toll House is on the third storey facing the bridge road (Dublin Road Street), the floor of which is roughly coplanar with the principal flat in the Roseville site directly opposite on the south side of the Liffey. The hall door is no longer the principal entrance to the Toll House for reasons of safety and the absence of a footpath on the east side of Leixlip Bridge; the main entrance and exit is via the garden door on the ground floor which faces eastwards, ie, downstream. The effective front of the Toll House faces downstream and into the house’s garden. I am attaching a picture of the house, taken from the east, which featured in a KCC publication of heritage properties.

The Toll House is, and has been, a protected structure under the Co Kildare Development Plan for at least 50 years. I purchased and occupied the property in 1991 as my family residence. We have spent much time and money on protecting the property from flood waters, restoring it and developing the garden, in each instance, following a grant of planning permission. There is a duty of care of protected structures, including the protection of their curtilage, on all persons, including the owner, the occupier, neighbouring properties (in respect of its curtilage) and on local authorities.

Planning Permission was sought on the Roseville property in your administrative county, Ref No: SD17B/0123, lodged on 4/4/2017. I regret that the planning authority, SDCC, did not require the proposed development to be re-advertised for the reason that the address cited was in the wrong county and not an address by which the property would have readily identified, the name plate having been removed, and no such place as Salmon Leap other than the whole town of Leixlip, being the English for that name. I was surprised and disappointed that there were neither Heritage Officer’s nor Conservation Officer’s reports to inform the decision to grant permission and no conditions to protect the views, vista, amenities and landscape of the Liffey Valley which bounds the site were imposed, despite being objectives of the development plan.

I presume the development was constructed as approved. However, I note that outdoor light fittings have been attached to the underside of the eaves and occasionally used to light the side and rear of the premises. This is objectionable to us as we, like the Roseville premises, are in a rural area, and NOT in the town of Leixlip. Moreover, two the three storeys of our residence are below the ground level of the Roseville development. Up-lighting would be less intrusive and less polluting.

Moreover, we are concerned to protect the wild life – conspicuously the nocturnal wild life of the area. I can produce photographic evidence of badgers, sometimes four at a time, and foxes on the north side of the Liffey bank. We have also seen otters (but I can’t hear them), the occasional hedgehog and frogs and many varieties of bird life. Excessive public lighting is detrimental.

**Recent Unauthorised Development**

On 11th November 2020 what appeared to be a timber shed or room(s) of substantial size was erected on the principal flat of the Roseville site, part of which had been cleared of trees and other vegetation to facilitate its footprint. The principal axis of the timber structure, which I estimate (from a distance) to be 12 to 15 feet tall, is roughly east-west and sits at the top of the steep escarpment which runs down to a flat path between the site and the Liffey’s edge. There appears to be no walking space between the face of the structure – left natural timber colour - and the top of the escarpment. Two small windows are in it, facing our property. On the day following, my wife noticed from our garden what she thought was a roll of insulation being taken into the development. I have taken photos of the location before the alleged unauthorised development and several afterwards from essentially our garden (principal) door. It is very much in-our-face and breaches the hitherto wooded landscape which has characterised this place for centuries and which has been the subject of commentaries by various authors and travellers (vide, *Leixlip, County Kildare*, 2005). From the street (Leixlip Road) through the Protected Structure gate piers at the entrance it is clear that there is a door to the front and two windows (curtained within days). The whole has all the appearance of being intended for use –and is already used – as a ‘granny flat’. A saloon car is regularly parked coaxially with the new structure and clearly visible from here on account of the absence of the hitherto wooded landscape.

On the one occasion when Lara Lenehan visited our house (unannounced) on 21st March, 2017, to enquire of another matter she mooted a tentative plan to move her mother from her home in Sligo to Roseville; there was no mention by her of an additional development, a ‘granny flat’. I presumed the substantially expanded Roseville would have been used.

There also exists on the site a single-storey timber structure with doors and windows running immediately inside the site’s boundary with the neighbouring residence. I do not know what it is used for; and behind it, a pile of timber. This is all post-the permitted development in SD17B/0123.

The development of which I am complaining and objecting has taken from the value of our house. It is particularly obtrusive, being high and approximately the same level as our third storey, and conspicuous from our oriel window at that level.

There was a vehicle right of way through the aforementioned site, which was acknowledged to us by the previous owners (Downey, obit). I know, as a local historian, that it was used by Queen Victoria to travel from Lucan House to Leixlip to Carton to the residence of the Duke of Leinster. I noted from an earlier inspection of SDCC’s plans for a cycleway through this route to Leixlip Bridge, which I’d welcome. I would not be surprised if the several recent developments encroach on this. I am aware of exempted developments in the gardens of residence; however, I submit these are intended for conventional estate-built homes and I further submit that provisions made in a previously determined development plan trump any such exemptions.

The existing development, being residential, requires a grant of planning permission.

The Development Plan states

* Core Strategy Policy 5, Rural Areas – It is the policy to restrict the spread of dwellings in .. the Liffey Valley (HA, LV) [Page 23] This policy applies to this area [Page 41]
* Residential development will only be permitted in exceptional circumstances – Policy H24
* [Including where] the preservation of the high amenity landscape, views or vistas, biodiversity and amenity of the valley [Page 43]
* HCL10 Objectives 1 & 2 & 4 are applicable and
* It is the policy.. to improve and extend the Liffey Valley SAA Order – Policy 14, [page 166]

In the Development Plan, effective from 10/6/2016, the zoning of this site, HA, is to protect and enhance the outstanding natural character and amenity of the Liffey Valley.. area [page 41]

Table 11.13, listing Zoning Objectives, cites in the NOT PERMITTED category: housing for older people; offices of any kind; retirement homes, and scrap yards. In one case it refers to the importance of maintaining a distance from the river bank: “All development classes shall not be permitted within 30m of the river bank, in order to protect the recreational amenity”.

**I submit to the Planning Authority that the aforementioned development is unauthorised and that it issues an Enforcement Notice directing that it be removed and wooded area reinstated immediately.**

Please let me have copy by email or post of a copy of whatever directions the planning authority issues.

Yours sincerely,

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John Colgan Encs