

Eoin O'S-Ivan

From: Shelly Barrett <[REDACTED]>
Sent: Thursday 24 June 2021 12:55
To: Appeals2
Subject: ABP-310347-21 - Submission
Attachments: Bord Pleanala Submission 3 Gilford Avenue.docx; DWG.2119-001.pdf; DWG.2119-002.pdf; Bord Pleanala Observation No 9.docx

Dear Sirs

I attach my submission in relation to

Your Case Number: ABP-310347-21

Planning Authority Reference number: 0135/21 (DCC)

Address : No 3 Gilford Avenue Dublin 4 – Declaration

My submission, a neighbour's submission and relevant drawings are attached to this email.

I would be grateful if you would send me a receipt

Thank you in advance

Regards

Michele Barrett MR/IAI

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Your Case Number: ABP-310347-21

Planning Authority Reference number: 0135/21 (DCC)

I wish to submit the following information in response in accordance with section 129 of the Planning and Development Act, 2000 to the appeal submitted by the owner of No. 3 Gilford Avenue on the decision made by Dublin City Council, reference 0135/21, that the development now under construction at No. 3 Gilford Avenue does not comply with 'Exempted Development' under the Act.

In relation to the height of the extension I refer to DCC's planning report which cites Section 4(c) *"The height of the height of the highest part of the roof of any extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling"*

The roof of the extension is a hybrid roof and the flat roof section of the hybrid roof is at 5.79 metres above ground and the rear wall of the house is 4.33 metres above ground – yet this was not mentioned in the subsequent recommendation.

I also note that Section 4(a) was not referred to in the DCC's Planners Report. It states *"Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house"*

The height of the southern wall of the extension to No 3 Gilford Avenue extends to 5.79 metres above ground and the rear wall of the house is 4.33 metres above ground – yet this was not mentioned in the subsequent recommendation.

See DRG 2119-001 and DRG 2119-002 attached.



Red Outline = Roof of single storey extension No 3 Gilford Avenue

Green Outline = Roof extension of 2 storey extension No. 1 Gilford Avenue (Planning Permission granted)

Below is a chronological sequence of events which may be useful for the inspector in assessing this application.

Work on No. 3 commenced in early March 2020 and the contractor was emailed on the 18/03/20 instructing him to remove the hoarding erected in part of the front garden of No 1 Gilford Avenue.

On 04/06/20 the first of 6 No. 20 Ton skips arrived on Gilford Avenue. Gilford Avenue has a 3.5 Ton sign which prohibits the use of large skips. Dublin City Council informed me that there was no tow truck to have the industrial size skip removed. A further four 20 Ton skips arrived over the following 3 months and these were at times unloaded to a truck in the street. The reason for removing such large quantities of earth from No 3 Gilford Avenue is unknown to me as I have not visited the site.



On the 18/08/20 I contacted the Planning Enforcement Section of Dublin City Council. At that time there was an above ground extension to the rear of the house in addition to the ground floor extension. See EO551/20

On 21/05/21 the rear roof of No 3 was removed and slates from the party wall were removed. The contractor was advised not to leave a skip continuously blocking the right of way to No. 1 Gilford Avenue and No. 12 – 18 Gilford Road.



On 25/05/20 a concrete hopper was used without permission of the owners on the private lane adjacent to No. 1 Gilford Avenue and containing the sewer to No. 1.



On 26/08/20 there was evidence of rats in the rear garden of No 1 Gifford Avenue. Sandwich packets and milk cartons with bite marks had been brought over the wall from No. 3 by rats. The HSE control unit came 3 times over the following 3 months to deal with the infestation.



**PHOTO OF ROOF OF NO. 1 GILFORD AVENUE WITH VERTICAL WALL OF EXTENSION TO NO. 3
FEBRUARY 2021**

During the months of Oct – December 2020 the contractor continued to use the roof of No. 1 to build the external side wall of the extension to No 3 despite being asked in writing 3 times since March 2020 not to use my property.

On the 22/03/21 during lockdown the owner of No. 3, the main contractor and a subcontractor and they opened up the site. I contacted DCC planning enforcement Section. An Garda Síochána came and closed the site.

On the 22/04/21 the contractors continued to work without PPE or harnesses on the roof and without masks and I contacted the Health and Safety Authority. See HSA reference No. 178615

On 06/04/21 I contacted the Planning Enforcement Section of Dublin City Council having measured the ground floor plan and height of the extension at No 3. See EO551/21

On 13/04/21 I informed the contractor and owner of No 3 Gifford Avenue that I had installed CCTV and signage to record further use of the roof of No. 1 for construction their personnel to work from. A flue from the heating appliance in the extension of No. 3 exits was placed for part of its length completely on my property. For the remainder of its length it is partially on my property. The flue does not comply with Section 3.6.2.1., 3.6.3.1. or Diagram 17 (a) of Technical Guidance Document Part J.



PHOTO OF ROOF OF NO. 1 GILFORD AVENUE WITH VERTICAL WALL OF EXTENSION TO NO. 3 MAY 2021 SHOWING THE FLUE FROM NO. 3 EMERGING FROM UNDER THE ROOF OF NO.1

On the 15/04/21 I contacted DCC Environment Department as construction work was continuing on site until 8 or 9 every night for a number of weeks. The after hours noise stopped following this.

On the 12/05/21 the contractors continued to work without PPE and hang out over my property. I contacted the HSA and erected a temporary screen to prevent further encroachment and possible accidents. See HSA reference No. 179509.



PHOTO OF ROOF OF NO. 1 GILFORD AVENUE WITH VERTICAL WALL OF EXTENSION TO NO. 3 APRIL 2021

On the 27/05/21 drill bits came through the party wall from No. 3 into No. 1. I emailed the architect. I tried to talk to the contractor but was not allowed. There are now six holes on my side of the party wall in the hallway.

AREA OF GROUND FLOOR EXTENSION AT NO.3 GILFORD AVENUE

My calculation of the area of the extension at No.3 was based on the width of the plot of No 1 Gilford Avenue which is 5.02 metres wall to wall. The numbers of bricks on the front elevation of the two houses are the same and the plots are orthogonal. I fail to see how this dimension was reduced

to 3.7 metre internal dimension given that a simple timber frame construction was used in the construction of the extension to No. 3.

HEIGHT OF THE SOUTH WALL OF THE EXTENSION AT NO.3 GILFORD AVENUE

The height of the side wall of the extension along the southern boundary immediately adjacent to the boundary with No. 1 Gilford Avenue is 5.790 metres above ground.

Section 4(a)

"Where the rear wall of the house does not include a gable, the height of any such extension shall not exceed the height of the rear wall of the house"

The main part of the rear wall of No 3 is 4.331 metres. There is a small section, less than one third of the rear wall at a higher level adjacent to the north boundary of No. 3. See DRG 2119-001 and DRG 2119-002 attached.

I would draw the inspectors attention to the amount of earth that was removed from the site at No. 3 in six 20 Ton skips and would question whether it is the intention to insert a floor without further recourse to the Planning Authority.

There is considerable concern among residents on the road and I include their observations.

Michele Barrett MRAI

1 Gilford Avenue

Sandymount

Dublin 4



Nicola Guest <nguest@boud.com>

to me

To whom it may concern :

Wed, Jun 23, 12:36 PM (11 hours ago)



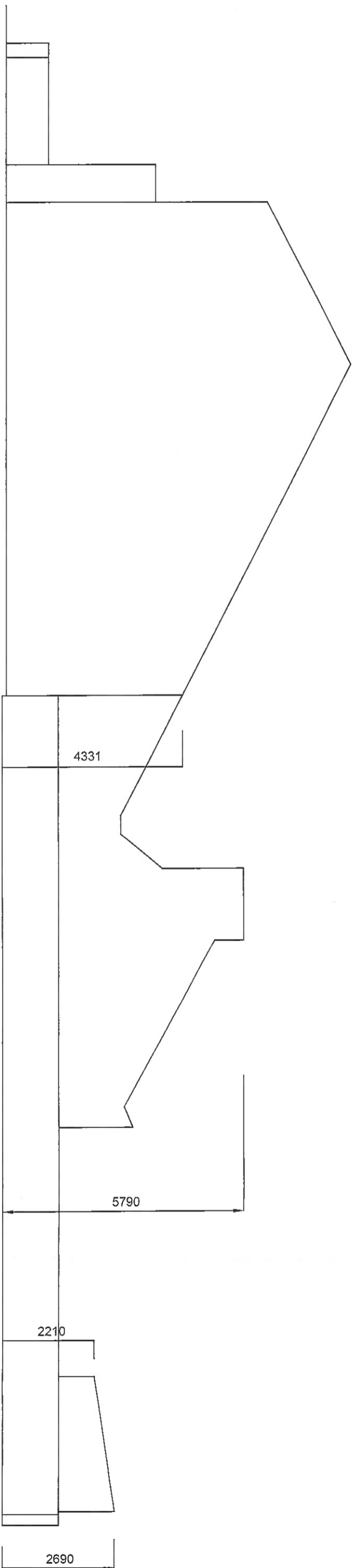
The rear extension at no 3 Gifford Avenue is, in our opinion, wholly out of proportion with the compact houses and small gardens of this Edwardian terrace. All other extensions have sympathetically respected the proportions of the houses and gardens.

Furthermore, as can be seen from attached photo, the height is unightly, and with the structure being so large and obtrusive has contributed to what we consider a significant eyesore at the rear of the terrace.

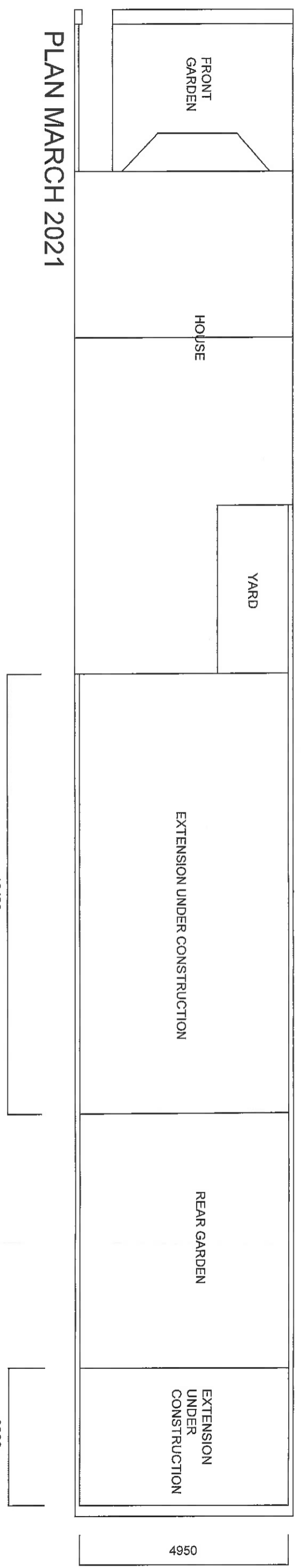
Yours sincerely

Nicola and David Guest
8 Gifford Avenue
Sydney NSW

Sent from my iPhone



PARTY WALL ELEVATION MARCH 2021



PLAN MARCH 2021

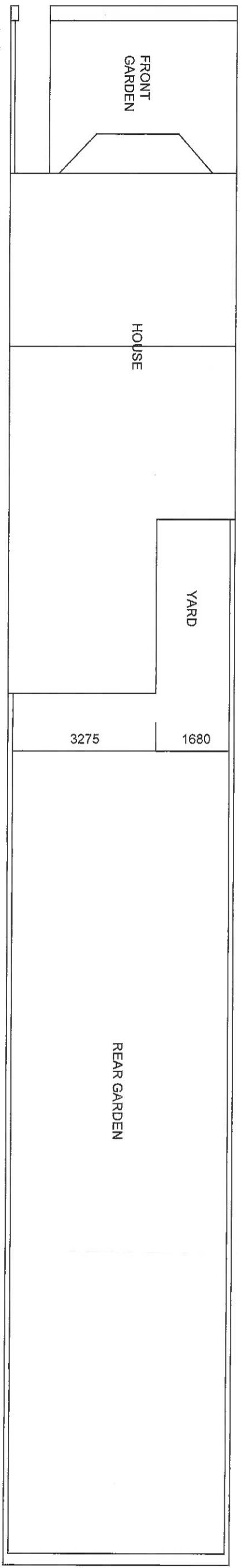
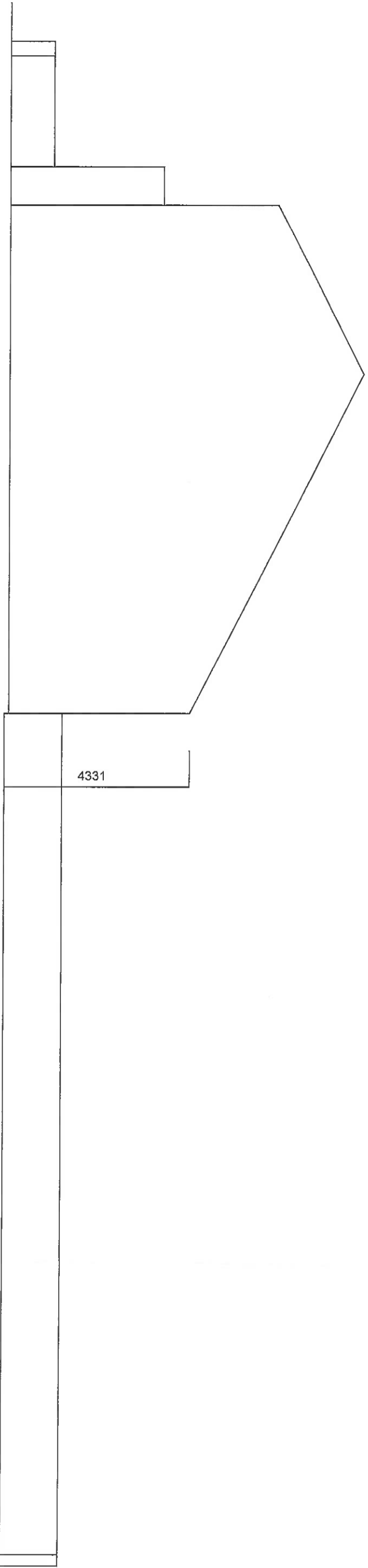
3 GILFORD AVENUE
 SANDYMOUNT
 DUBLIN 4

Plan and
 party wall elevation
 March 2021

SCALE 1:100
 DATE 4/4/21

Michele Barrett MR IAI
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 1 Gilford Avenue
 Sandymount
 Dublin 4
 Tel 086 8280662 shellypbarrett41@gmail.com

Drawing Number
 2119-002



PLAN JANUARY 2020

3 GILFORD AVENUE
 SANDYMOUNT
 DUBLIN 4

Plan and
 party wall elevation
 January 2020

SCALE 1:100

DATE 4/4/21

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Drawing Number
 2119-001

