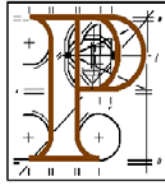


An Bord Pleanála



Inspector's Report

PL17.245997

Development: Planning permission is sought for the construction of a single storey extension to the rear of the existing school together with all associated site development works at St. Patrick's National School, St. Loman Street, Trim, County Meath. The proposed development is in close proximity to Trim's Medieval Town Wall (a National Monument and Protected Structure). In addition the proposed development would adjoin Glebe House (a Protected Structure).

Planning Application

Planning Authority: Meath County Council
Planning Authority Reg. Ref.: TA150926
Applicant: Board of Management St. Patricks National School
Planning Authority Decision: Grant with Conditions

Planning Appeal

Appellant: Nuala Tobin & Steve Moss
Type of Appeal: 3rd Party - v- Grant
Observers: None
Date of Site Inspection: 12th day of April, 2016.
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The irregular T-shaped land locked appeal site has a stated area of 0.199-hectare (0.49-acres) and at its nearest point its eastern boundary is setback by circa 30-meters from the western roadside edge of Loman Street, in the settlement of Trim, County Meath. The site is occupied by a Saint Patrick's National School, a modest in size school which the documentation submitted with this application indicates consists of 2 teachers and an enrolment of 60 no. children. However at the time of inspection it appeared that the staff room was also in use as a classroom. The site is bound on its northern side by Glebe House, a Protected Structure, and a Parish Hall; on its western side a number of residential properties of a two-storey built form; on its southern side a Deanery and recreational amenity space; and, on its eastern side another pocket of amenity space and the alignment of the Trim's historic medieval town walls, a Protected Structure and National Monument, is located in proximity of the easternmost boundary with the eastern boundary itself demarcated by a circa 2-meter high concrete block wall. The site in its current form contains what were the former outbuildings of 'Glebe House' which are now incorporated into the school complex.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of the construction of a single storey extension to the rear of the existing school together with all associated site development works. The stated gross floor area of the extension is 106.2-sq.m. and its mono-pitch roof structure over at its maximum height is stated to be 4.3-meters. The public notice indicates that these works would consist of one new classroom, en-suite WC's, a disabled WC, a link corridor and entrance lobby. The proposed development is in close proximity to Trim's Medieval Town Wall (a National Monument and a Protected Structure). In addition, the proposed development would adjoin Glebe House (a Protected Structure). The original application is accompanied by an Archaeological Assessment.
- 2.2 Further information was submitted to the Planning Authority on the 11th November, 2015. The further information included no significant changes or revisions to the proposed development as originally

submitted but did provide a minor revision to the roof structure showing how surface water run-off would be managed wholly within the confines of the site. It also provided clarity on access and maintenance of the roof structure; it clarified the extent of works in proximity of the rear shared boundary walls; and, it included a shadow analysis of the proposed development relative to adjoining residential properties.

3.0 PLANNING HISTORY

3.1 Appeal site:

- **P.A. Reg. Ref. No. TT50005:** Planning permission was **granted** subject to conditions for a development consisting of the construction of a new primary school building containing two classrooms and associated works. This development also included the demolition of existing outbuilding; and, conservation, restoration, alterations and change of use of a stable building.

- **P.A. Reg. Ref. No. TT70004:** Planning permission was **granted** subject to conditions for a development consisting of the construction of a pedestrian entrance.

4.0 PLANNING AUTHORITY DECISION

4.1.0 Planning Section:

- 4.1.1 The initial Planning Officer's report recommended further information to address the level of works that are proposed to be carried out as part of the development in proximity of the existing rear boundary walls. In addition, the applicant was requested to provide revised eaves design for the roof structure of the proposed extension; to demonstrate that the extension roof could be maintained within the confines of the site; and, sought clarity on the shadow impact on residential properties in its vicinity. The final Planners report considered that the proposed development is acceptable as well as in accordance with the proper planning and sustainable development of the area. A grant of planning permission was therefore recommended subject to safeguards.

4.2.0 Interdepartmental Reports:

4.2.1 The Conservation Officer considered the further information response acceptable. The following is a summary of the Officer's initial report:-

- Previous archaeological investigations on site found no surviving remains of the town wall in the location of the proposed extension and the findings of these investigations indicate that the wall may have been located further to the west.
- The southern wall of the extension has been kept away from the existing east-west masonry wall and the proposed extension has also been separated from the rear wall of the former Glebe Coach House. The impact of the proposed development on this structure is considered to be acceptable.
- The juxtaposition and overhang of the roof eaves with the boundaries of No. 5 and 6 'The Priory' are regularly encountered in built up areas and the maintenance of this area could be suitably handled from the applicant's side by revised detail of the eaves.
- Should permission be granted it is recommended that the matter of archaeological monitoring as recommended by the Department of Arts, Heritage and the Gaeltacht be required by way of condition. It is also recommended that a condition requiring materials and finishes to be consistent with the existing extension be attached.

4.2.2 **Road Design:** No objection.

4.3.0 Submissions:

4.3.1 The submission from the **Department of Arts, Heritage and the Gaeltacht** recommended that on the basis of previous archaeological testing on this site that a condition pertaining to archaeological monitoring in the event of a grant of planning permission be imposed. A suggested wording for such a condition is provided and they indicate that the reason for this condition is to ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

4.3.2 **3rd Party Submissions:** The Planning Authority received a number of 3rd Party submissions objecting to the proposed development. These letters raise the same planning concerns to those raised by the appellant in their grounds of appeal submission.

4.4.0 Planning Authority Decision

4.4.1 The Planning Authority decided to **grant** planning permission for the proposed development subject to 5 no. conditions. I note to the Board that Condition No. 2 requires archaeological monitoring to be carried out during site and construction works.

5.0 GROUNDS OF APPEAL

5.1 The appeal submission may be summarised as follows:-

- The applicant has misled the Planning Authority on the matter of previous development on this site. On this point it is argued that the school has not been previously extended and that there was no previous school on this site prior to its most recent development in 2006. In addition, there was no extension permitted to this building as part of its change of use application P.A. Ref. No. TT50005.
- The proposed development would adversely impact on daylight and sunlight in the adjoining dwelling of No. 5 'The Priory'. In addition, the proposed development would adversely impact on the private amenity space of this dwelling due to it creating an undue sense of enclosure.
- Concern is raised that only 150-mm lateral separation distance has been proposed between the proposed development and the party boundaries of No.s 5 and 6 'The Priory'.
- Concern is raised that the party boundaries have not been comprehensively indicated in the original submission and the documentation submitted with the further information.
- Concern is raised as to why the applicant seeks permission for an extension on land zoned 'A1' when they have ample landholding which is zoned 'G1' and is in the view of the appellant a more suitable zoning for such a development.
- Concerns are raised in terms of the accuracy of the drawings provided and in the view of the appellant they do not accurately depict their setting and the relationship of the proposed development with residential properties in its vicinity.
- The proposed extension includes a mono-pitch roof structure whose eaves would overhang the party boundary of No.s 5 and 6. No details have been provided for run-off from this structure and it is not acceptable that adjoining properties would have to accommodate this run-off.

- Concern is raised that the proposed development, if permitted, would give rise to an additional risk of flooding for properties in its vicinity.
- Concern is raised in relation to how the proposed development can be maintained without compromising the established privacy of the adjoining residential property. Further, it is considered that the western elevation of the proposed extension cannot be maintained without trespassing onto adjoining properties.
- The applicants have failed to respond to their site context and as such the proposed development conflicts with the Department of Education guidelines as set out in their “*Technical Guidance Document TGD-025: Identification and Suitability of Sites for Primary Schools*”. Adherence to this particular guideline is a requirement of the applicable Development Plan.
- Concern is raised that the Planning Authority has failed to uphold its policy in relation the medieval town walls.
- The proposed development could be physically and visually detrimental to the remnants of the medieval town wall at this location.
- A number of procedural concerns are raised in relation to how the Planning Authority dealt with this application.

6.0 RESPONSES

- 6.1 On the 4th day of February, 2016, the Board received the **Planning Authority’s response** which indicates that they are satisfied that all matters outlined as concerns by the appellant in their appeal submission have been considered by them in the course of their assessment of this planning application. The Board is therefore requested to uphold its decision.
- 6.2 On the 5th day of February, 2016, the Board received the **1st Party’s response** to the grounds of this appeal. It may be summarised as follows:-
- This school has an enrolment of 62 no. children and a staff of three teachers.
 - In 2015 the Department of Education & Skills approved the funding of an additional classroom and a disabled WC for assisted users of the school.
 - The school is located on a restricted site off St. Loman’s Street being bound by a Parish Hall and Glebe House to the north; private dwellings

and their back gardens to the west; a Deanery and a grass playing field to the south and St. Loman's Street to the east. In addition, an active amenity space is located to the front of the school and the school has use of, for social and general purpose activities the area to the front of the Parish Hall but do not have ownership of the same. There is also a right of way benefitting the school over the land to the front of the Parish Hall for access and the front yard area provides daytime parking for the school.

- Previous derelict buildings on site were converted, extended and refurbished into a new school in 2006/2007 under grant of permission P.A. Reg. Ref. No. TT50005. These works included a two class room extension to the existing buildings and the complete refurbishment of the coach house to create a school accommodation.
- The layout and heights of the existing buildings indicated in this application were derived from on-site surveys and are considered to be accurate. It is also confirmed that the eaves height of the coach house building is 4.925-meters above ground level.
- The proposed development comprises a single storey extension to the rear of the existing school buildings that is considered to be similar in style, scale, mass and finish to the extension constructed in 2006/2007.
- The proposed extension is located within 1.375-meters away from the existing stone wall and a small courtyard will be created between it and the existing town wall.
- The extension has been designed in a manner to minimise overshadowing on No.s 5 and 6 'The Priory'. The appellant's shadow drawings show overshadowing in isolation of the existing building and it is contended that its existing ridge line is substantially higher than the proposed extension. Therefore, it should be included in any assessment of overshadowing,
- The windows in the proposed extension will face due north and south with no windows overlooking No.s 5 and 6 'The Priory'.
- The proposed design is based on the Department of Educations general design guidelines which sets out 80-sq.m. for an average classroom and an average height of 3.15-meters floor-to-ceiling height.
- The 150-mm lateral separation between the extension and the boundary minimises dead space and a traditional gutter will be fixed along the eaves level of the extension on the lower side of the mono-pitch roof. This gutter will not extend beyond the boundary line and a downpipe will direct the water to the existing storm water surface water drain. As such there will be no runoff onto the neighbouring properties. Cleaning as well as maintenance of this gutter will be via the proposed

extensions roof safety harnesses which will provide safe access to rain water goods.

- The siting, size and location of the extension has been carefully considered to optimise the proposed extensions relationship and connection to the existing school. In addition, the design resolution seeks to minimise impact on the existing historical buildings in its vicinity, the town wall and on adjoining properties.
- Class 57 of the Planning and Development Regulations relates to exempted development and is therefore not a relevant consideration in the assessment of this application.
- Archaeological investigations done on the site in 2005 did not identify any structural remains of the medieval town wall in the area of the proposed development.

6.3 A response was received by the appellant on the 4th March, 2016, which withdrew a particular statement contained within their appeal submission.

7.0 POLICY CONTEXT

7.1.0 Local Planning Context

7.1.1 The appeal site is governed by the policies and provisions contained in the Trim Development Plan, 2014-2020, under which the site is zoned 'A1- Existing Residential'. The land use objective for such land is stated to be: *"to protect and enhance the amenity of developed residential communities"*. In relation to such lands the plan states that the: *"Planning Authorities will be primarily concerned with the protection of the amenities of established residents"*. Alongside residential development community infrastructure is deemed permissible on such land.

7.1.2 Chapter 4 of the Development Plan deals with the matters of heritage, tourism and green infrastructure and indicates that key aims in this area include the protection and enhancement of the built and natural heritage resources of the town and its environs and the promotion as well as encouragement of the town's development as a tourism destination in a sensitive and sustainable manner.

7.1.3 Section 7.1 of the plan on the matter of social and community infrastructure states: *“the proper provision of community infrastructure of a high standard, in the most appropriate locations and in tandem with housing and other development is important for all age groups and sectors of society and is an essential component of building sustainable and properly planned communities. The “Planning Guidelines on Sustainable Residential Development in Urban Areas” (2009) highlight the need to phase and appropriately locate development in line with the availability of essential social and community infrastructure such as schools, amenities and other facilities. Where appropriate, facilities should also be capable of adapting to changing needs over time. The timely delivery of such facilities to meet the needs of communities is a key priority of this Plan”*. In addition, Section 7.5 of the plan recognises that: *“schools traditionally have an important role to play in developing sustainable and balanced communities and encouraging families to participate fully in life within the County”*.

7.2.0 Trim Town Walls Conservation Plan, 2008: This plan includes policies for their protection and management.

7.3.0 National Planning Context

7.3.1 **Architectural Heritage Protection Guidelines for Planning Authorities (issued by the DoEHLG in 2004 and 2011):** The national policy in respect of the protection of the architectural heritage is contained in these guidelines.

8.0 ASSESSMENT

8.1 Having had regard to the content of the appeal submission I consider it appropriate that the Board consider the current application for planning permission on the planning merits of the proposed development sought. On this point reference made by the appellants in regards to the applicants failure to comply with conditions and limitations set out under Class 57 of the Planning and Development Regulations, as amended, are not sufficient basis for the refusal of planning permission as these conditions and limitations relate to making a determination on whether or not this particular class of development is or is not exempted

development. Further a decision on this application should not be used as a forum to address any other unauthorised development concerns on site as the planning law sets out different procedures to address such matters nor does the Board have an ombudsman type role in relation to procedural concerns in relation to the manner in which a Planning Authority determined a planning application.

- 8.2 The proposed development consists of an extension to the rear of an existing national school that appears to have commenced operations in circa 2006/2007 and under the applicable Development Plan the main school structure is located on 'A1 – *Existing Residential*' zoned land where this type of community facility is deemed to be permissible, subject to safeguards, which in the context of this site primarily relate to demonstrating that the proposed development would not give rise to any serious injury to the established residential amenities of properties in its immediate vicinity and any diminishment of integrity and intrinsic special character of the notable built heritage in its immediate setting and context. In particular, Trim's medieval town walls and Glebe House.
- 8.3 In this case I consider that the potential for the proposed development to impact on what is undoubtedly a site and setting that is highly sensitive to change due largely to the fact that the site is within the original curtilage of Glebe House, a Protected Structure, with the school operating from its former coach house outbuilding, and also the site bounds the alignment of Trims medieval town walls, which is afforded protection as a Protected Structure and a National Monument. As such the potential built heritage impact of the proposed development is in my view a substantive consideration on whether or not the proposed development is acceptable.
- 8.4 I acknowledge that the design resolution of the extension in terms of its built form and palette of materials is contemporary in nature as well as seeks to compliment as well as harmonise with the extension and works carried out on site in circa 2006/2007. Such an approach is deemed acceptable at such a location under the Architectural Heritage Protection Guidelines. The proposed extension is located to the rear of the coach house building. The restricted size of the site and its irregular shape results alongside the built heritage sensitivity of the sites location results in limited options to where an extension could be accommodated on site. The location chosen is not visible from the

public realm and would not diminish the appreciation of the coach house building at the location chosen from the public realm.

- 8.5 In my view the single storey extension proposed is not an overly large structure. It would have a stated 106.2-sq.m. floor area and its mono-pitch roof over would not exceed the eaves height of the former coach house which it attaches to via a proposed link corridor. According to the drawings on file the mono-pitch roof would have an eaves height of 2.86-meters at its lowest point and at its highest point this roof has a stated maximum height of 4.33-meters.
- 8.6 I also note that the flat roofed link between the proposed extension and the existing coach house building has a modest overall height of 2.74-meters and it would provide a 1.045-meters separation distance between the historic built form of the coach house and this new proposed building layer. This link would be required to integrate the internal area of the existing school with the proposed additional school accommodation.
- 8.7 In terms of impact on the integrity of Glebe House and its former coach house building I concur with the Councils Conservation Officer that the impact of the proposed development would not seriously diminish the character and special interest of this particular Protected Structure, particularly when appreciated from the public domain.
- 8.8 In terms of the impact on the historic town wall the submitted drawings show a 1.6-meter separation distance between it and the proposed extension at its nearest point. According to the documentation on file the land on which the extension is to be sited has been archaeologically tested as part of a previous application. This testing concluded no physical evidence of the town walls *in situ*. I also note that within this tight grain settlement and within the immediate vicinity of the alignment of the town wall on this site it is not uncommon for structures to extend to such close proximity to the town wall. I also note that there is no direct public access to this stretch of the town wall nor is it visible from the public domain. I therefore concur with the Councils Conservation Officer and the Department of Arts, Heritage and the Gaeltacht that the integrity, intrinsic character and special interest of the town walls would not be adversely impacted upon subject to the safeguard that should the Board be minded to grant permission that it impose the condition recommended by the Department.

- 8.9 I am cognisant that the design resolution seeks also to minimise dead space on site having regard to the restricted size of the site. As such a limited 150-mm separation distance is proposed between the western elevation of the proposed extension and the party walls of No.s 5 and 6 'The Priory'. This is limited lateral separation space is objected to and it is argued that such close proximity would not only seriously diminish the residential amenity of these properties by virtue of visual overbearance through to additional overshadowing of not just their private amenity spaces but also the internal habitable spaces of these particular dwellings. It is also argued by the appellants that such a design with such limited separation particularly in relation to the juxtaposition of the mono-pitch roof to the shared boundary would also potentially give rise to trespass into neighbouring residential properties for access to as well as maintenance of the proposed extension.
- 8.10 In order to minimise visual overbearance and overshadowing a mono-pitch roof is proposed over the extension with the lowest point of the roof running alongside the party boundary with No.s 5 and 6 'The Priory' together with the slope rising away from this boundary in an easterly direction. I have already noted the eaves height of the proposed extension and to this I note that the mono-pitch roof structure rises from this eaves height to its maximum height of 4.33-meters over 9.1-meters. In addition, the rear elevation of the coach house building which has the same east west alignment as this party boundary wall is within circa 8.5-meters of this boundary wall and is a building with a 6-meter depth and a 4.925-meter maximum ridge height. In this townscape the provision of an extension within this proximity to a party boundary is not unusual and I consider that the overshadowing that would arise would be significantly greater than the existing situation for the adjoining residential properties of No.s 5 and 6 'The Priory'. In terms of visual impact of the proposed extension having regard to the height of the western elevation and the gently sloping metal clad roofing over I do not consider that this would give rise to any significant visual overbearance when appreciated from these particular properties or indeed from other properties within the vicinity.
- 8.11 In relation to the appellants concerns about potential trespass for access and maintenance purposes of the proposed extension the documentation submitted with this application indicate that a traditional gutter would be fixed along the eaves level to the lower side of the mono-pitched roof extension proposed. The 1st Party indicates that this

gutter would not encroach beyond the boundary line and that a down pipe would be provided on this gutter which would direct surface water into existing surface water drainage infrastructure on site. They also indicate that the design proposed would prevent rainwater ingress between the new extension and the existing boundary wall. The documentation would also appear to suggest that the roof structure as designed would terminate in the middle of the party wall. Whilst this is not uncommon in this type of townscape context should the Board be minded to grant permission for the proposed development having regard to the precautionary principle an advisory note reiterating Section 34(13) of the Planning and Development Act, as amended, should be attached. This section of the Act states that a person shall not be entitled to solely by reason of a permission under this section to carry out development on any land. The Board may also consider it appropriate that the roof structure does not over sail or encroach onto this boundary wall due to the absence of sufficient clarity on file that the applicant has sufficient legal interest in this wall to do so.

- 8.12 *Appropriate Assessment:* Given the modest nature and scope of the development sought, the serviced nature of the site and the absence of any significant pathways between the appeal site and Natura 2000 sites within a 15-kilometer radius and beyond it is considered that the proposed development is not likely to have significant effects on any European site in light of their conservation objectives
- 8.13 In conclusion taking the above into consideration I consider that there are no substantive grounds on which to base a reason of refusal and that appropriate conditions can deal with any outstanding concerns that the proposed development may result in.

9.0 RECOMMENDATION

- 9.1 I recommend that permission be **granted** subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the modest nature and limited scale of the proposed works, to the lack of adverse impact on Protected Structures and a National Monument within proximity of the proposed works and to the

community need for educational facilities like schools in residential areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly injure the built heritage of the area or the amenities of property in the vicinity of the site. It would, therefore be, in keeping with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of November, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of orderly development clarity and in the interest of clarity.

2. The mono-pitch roof over the extension hereby permitted shall not oversail or encroach onto the party boundary wall shared with No.s 5 and 6 'The Priory'. The developer shall submit revised drawings for written agreement prior to the commencement of development showing this revision.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall provide for the following:-
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works. In particular the coach house building to which the proposed development seeks connection to.

(b) The submission of details of all external finishes and materials.

All works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of the Environment, Heritage and Local Government).

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Archaeological monitoring shall be carried out during site and construction works in accordance with the following:

(a) The developer is required to employ a qualified archaeologist to monitor all ground works associated with the development.

(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

(c) The Planning Authority and the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of monitoring.

Reason: To ensure the continued preservation (either *in situ* or by record of places, caves, sites, features, or other objects of archaeological interest.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction waste and methods to keep public roads clean from spillages and deposits that may arise during the course of construction.

Reason: In the interests of public safety and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. All service lines and cables servicing the proposed development shall be located underground except where otherwise agreed with the Planning Authority.

Reason: In the interest of orderly development and visual amenity.

Advisory Note: Section 34(13) of the PDA.

Patricia M. Young
Planning Inspector
12th day of April, 2016.