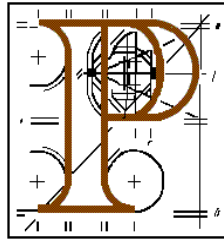


An Bord Pleanála



Inspector's Report

Development

Permission for development in two phases comprising: Phase 1 – two classroom extension at first floor level; Phase 2 – two-storey link corridor and extension to staff room and offices at St. Mary's Boys National School, Grotto Place, Booterstown, County Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15A/0506

Applicant: St. Mary's Boys national School Board of Management

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Christopher & Gillian McLaughlin

Type of Appeal: Third Party

Observers: Caroline Liddy

James & Anne Montgomery

Brendan & Joan Kavanagh

Clare & Ray O'Neill

Date of Site Inspection: 9th March, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Christopher and Gillian McLaughlin against a decision by Dun Laoghaire-Rathdown County Council to grant permission to St. Mary's Boys National School Board of Management for the construction of two phases of development - Phase 1: two classroom extension at first floor level and Phase 2: two-storey link corridor and extension to staff room and offices at St. Mary's Boys National School, Grotto Place, Booterstown, County Dublin.
- 1.2 The first phase of the development would comprise the provision of a two classroom extension over the existing staff room and offices at the eastern side of the existing school building, as well as the provision of a new entrance lobby and staircase with a rooflight over, new entrance steps and an access ramp. The second phase of development would provide a two-storey link corridor, incorporating an existing canopy, on the northern side of the existing school building and extending the staff room and offices under the phase 1 extension. Phase 1 of the development would provide an additional floor area to the school of 225 square metres and Phase 2 would provide a further 215 square metres. The existing 1299.14 square metres of school building structures would be retained. The development would be sited on a land area of 0.43 hectares.
- 1.3 Objections to the proposal were received from Clare O'Neill, Caroline Liddy, Adrienne O'Donnell, James and Anne Montgomery, Brendan Kavanagh, Una Higgins, and Christopher and Gillian McLaughlin. Concerns raised include parking and vehicular access and impact on residential amenity.
- 1.4 The reports received by the planning authority were as follows:

The Drainage Engineer requested further information on surface water drainage.

The Transportation Planning Engineer requested further information in relation to a mobility management plan, additional bicycle parking, and a construction management plan.

The Planner noted the zoning for the site, third party submissions made, the site's planning history and departmental reports received. The development was considered to be acceptable in principle. It was submitted that further information was required on whether the proposal was intended to replace existing portacabins. Concerns were raised in relation to impact on residential properties to the south-east from proposed first floor classroom windows and the height, extent and proximity of the new development to adjacent properties. It was recommended that the applicant be requested to reduce the height of the proposed extension and to set the extension back. Acquiring details of finishes was also considered necessary. A request for further information was recommended.

On 30th September, 2015, Dun Laoghaire-Rathdown County Council requested further information in accordance with the Planner's recommendation. A response to this request was received from the applicant on 11th November, 2015.

- 1.5 The reports to the planning authority following receipt of this information were as follows:

The Drainage Engineer had no objection to the proposal subject to compliance with documents and drawings received.

The Transportation Planning Engineer submitted that all schools should have a Mobility Management Plan, noted provisions for bicycle parking and details of a previous Health and Safety Plan and Construction Programme, and acknowledged that the proposal is not intended to result

in intensification of pupil attendance. It was concluded that there was no objection to the proposal subject to conditions.

The Planner noted departmental reports received. It was considered that the revised provisions by way of further information address the overbearing impact of the proposed development on neighbouring properties. It was noted that the applicant had submitted a Management Construction Plan that was prepared for the previous extension to the school in response to the request for a Mobility Management Plan. The response of the Transportation Planning Engineer was noted. It was noted that the proposal would not intensify the use of the school. The remainder of the further information received was regarded as being acceptable. A grant of permission was recommended.

- 1.6 On 7th August, 2015, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 5 no. conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 9th March, 2016.

2.2 Site Location and Description

St. Mary's Boys National School is located off Grotto Place in Booterstown, County Dublin. There is an existing two-storey school building on the site with a recently completed extension on its western end. Staff parking is provided to the front of the building close to its entrance and there are playing areas and a yard to the north of the school. Two portacabins are located immediately to the rear of the front section of the school. Grotto Place provides access to the school and cottages on its

southern side and to houses at its north-eastern end and to the rear of properties with frontage onto Rock Road opposite the existing school.

Castle Court to the south comprises a mix of two-storey and single-storey houses – the appellants’ property (No. 31) is a two-storey house, while the observer’s property (No. 34) is a single-storey house.

2.3 **Dun Laoghaire County Development Plan 2010-2016**

Zoning

The site is zoned Objective A: To protect and/or improve residential amenity.

2.4 **Planning History**

P.A. Ref. D13A/0010

Permission was granted for the construction of a two-storey extension to the western end of the school incorporating two classrooms, two resource rooms, a computer room and ancillary services. This extension is complete.

3.0 **FIRST PARTY APPEAL**

- 3.1 The appellants reside at No. 31 Castle Court which lies immediately to the south of the location for the proposed development. Concern is raised that the applicant did not engage in consultation prior to the making of the application. The grounds of the appeal may be summarised as follows:

3.2 Legal Owner

- If Brian O'Neill, as applicant, is not the legal owner of the land, the application is not in compliance with Article 22(g) of the Regulations, as the application is required to be accompanied by the written consent of the owner.

3.3 Site Notice

- The site notice remained in place one calendar month following the decision of the planning authority. Leaving the notice in place is misleading to the general public and is a breach of the statutory Regulations.

3.4 Need for the Development

- If the school needed this additional space, it should have applied for it when submitting its application for the construction of the recent development that has been carried out. Traditionally the school loses a significant number of pupils every year from second class upwards to private schools. There is no reason to suggest that this trend will not continue.

3.5 Location of Development

- The two additional classrooms could be constructed at the western end of the school as a viable alternative, addressing residential impacts, health and safety risks, and reducing loss of car parking spaces. Alternatively, development could take place at the present location of the two portacabins.

3.6 Overshadowing and Overbearing

- Due to the height of the development and its extension eastwards, immediate neighbours in Castle Court (single storey houses mainly) will be deprived of light, access to open sky, and privacy.
- The appellants are concerned about the negative impact on access to light in the morning. The impact by way of overshadowing will be all the more acute. A shadow analysis is requested.
- The proposal is overbearing due to its height and proximity. It will have an unreasonable visual bulk impact.
- Privacy will be negatively affected with proposed toilet windows placed immediately above the wall at the back of the garden.
- Privacy of residents to the east will be severely diminished by proposed upper floor to ceiling windows looking directly into their properties.

3.7 Footprint

- At a meeting with the school's Board of Management, it was emphasised that a primary concern was that the development should not result in a significant reduction in the school's footprint. However, as the school has confirmed that the two existing protacabins will be removed on completion of the development, it appears that alternative development at the western end of the school would be unlikely to result in any net reduction in footprint.

3.8 The submission includes the observation to the planning authority and photographs.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

4.1 The planning authority submitted that the applicant had significantly reduced the scale of the development by way of further information. It was considered the proposal would significantly improve the school's facilities. The design, scale and setback of the proposal were viewed as not having an impact on adjoining residential properties by way of overlooking or overshadowing.

5.0 APPLICANT'S RESPONSE TO THIRD PARTY APPEAL

5.1 The applicant's response to the appeal may be synthesised as follows:

- The proposal is located north of No. 31 Castle Court and will have little or no effect on sunlight to this property.
- The extension is required to accommodate existing pupils currently in prefabricated buildings and is in response to an increase in pupil numbers, the increasingly complex nature and the needs of the educational service provided, and a demand for school places. The prefabs will be removed when the development is complete.
- The proposal maintains existing building lines and is minimally higher than the existing two storey height. The design was revised by way of further information in recognition of third party concerns.
- The Board of Management do not want to increase the existing footprint of the building as this will reduce essential playground space. The area chosen for the proposed classrooms is the ideal location.
- Phase 1 is essential to access, circulation, etc. within the building and future internal linkages.

6.0 OBSERVATIONS

6.1 Observation by Caroline Liddy

The observer, residing at No. 34 Castle Court, raises concerns relating to:

- Overlooking of her back garden,
- Overshadowing of rear windows of her house,
- The imposition of two storey development in an area where single storey development is established and respectful of neighbouring properties, and
- The approach taken by the applicant in the application process by not consulting with neighbours.

It is considered the extension could be built at the western end of the property or elsewhere on the school grounds where it does not infringe on the rights of neighbours.

6.2 Observation by James and Anne Montgomery

The observers, residing at No. 132 Rock Road, note for the Board that the rear access to their house is virtually directly opposite to the school entrance. They raise concerns relating to:

- The increased capacity and intensification of use arising from the development and the school outgrowing the site, and
- Lack of parking on site for parents and restricted access arrangements and consequential problems for residents intensifying with the additional development.

It is noted that a Traffic Management Plan, Traffic Impact Assessment and a Road Safety Audit were requested by the observers and these have not been adequately dealt with.

6.3 Observation by Brendan and Joan Kavanagh

The observers, residing at No. 138 Rock Road, with rear access to their property opposite the school entrance, raise concerns relating to:

- The proposal generating significant additional vehicular traffic on the restricted access,
- The growth proposals for the school into the future,
- The detrimental impact on access for residents,
- Inadequacy of parking and a traffic management plan at the operation and construction phases,
- Inadequacy of pay and display parking in the area,
- The possibility that existing prefabs will not be removed,
- Lack of consultation, and
- Impact on property values.

The Board is asked to review the applicant's submissions on traffic management, impact and a road safety audit.

6.4 Observation by Clare and Ray O'Neill

The observers, residing at No. 128 Rock Road, with rear access to their property opposite the school entrance, raise concerns relating to:

- Parents illegally parking on the Rock Road due to the narrow access to the school to drop off and collect children attending the school and the effect of additional traffic associated with the proposed development.
- The insufficiency of space at the school to accommodate the extension and the increased numbers of parents' cars.

The observer concludes that there is a need for a safety audit to assess the situation and provide solutions.

7.0 ASSESSMENT

7.1 Introduction

I consider the main issues requiring consideration in this assessment to be:

- Need for the development
- Impact on residential amenity, and
- Traffic impact.

I note some miscellaneous issues have been raised and they will be addressed also.

7.2 Need for the Development

7.2.1 It is my submission to the Board that the proposed development presents itself as one seeking to replace unsatisfactory classroom space, in the form of portacabins, with new development forming an integral part of the established school structure, as well as providing improved facilities and internal access. In principle, this should be seen as appropriate and

sustainable development. This development ultimately seeks to enhance the provisions for established pupils and teachers. The new accommodation is to replace and enhance existing accommodation. There is to be no increase in the number of classrooms on this site. Justification for the development's need is considered adequate.

7.3 Impact on Residential Amenity

- 7.3.1 I note the concerns of the appellants' and observer residing in the Castle Court estate relate to overshadowing, overlooking and the overbearing impact of the new development.
- 7.3.2 In relation to overshadowing, I note that the proposed development would be wholly sited to the north of the appellants' property. As a consequence, there would be no impact by way of overshadowing of the neighbouring properties arising from the new development.
- 7.3.3 With regard to overlooking, I note the current school provisions relative to the neighbouring residential properties to the south. Five classrooms at first floor level have windows that directly look south over residential properties. The proposal includes the provision of two windows serving toilets at first floor level on the southern elevation. The proposed classroom windows face east onto the forecourt of the school. I put it to the Board that this development would not significantly intensify the impacts that prevail at present.
- 7.3.4 With regard to the overbearing impact, I note the revisions made by way of the further information response and must acknowledge that the revised proposal presents itself as a development that relates to, and ties in more satisfactorily with, the established building over that originally proposed. By doing so, it has reduced the encroachment on neighbouring properties, has respected established building lines, and reflects a form and bulk that

is more in common with the established structure. Its overbearing impact could not be construed as being significant in the context of the additional scale of development so proposed, i.e. by the addition of 10 linear metres of development that is similar in form, design and height to the existing structure that is some 68 metres in length on its southern elevation.

7.3.5 Having regard to these considerations, I am of the view that the impact on privacy and residential amenity could not reasonably be considered to be significant. As a consequence, I am of the opinion that the necessity to revisit the siting of the development such that it abuts the western end of the established structure or such that it occupies the area of the established portacabins is not warranted. Indeed, the impact of such alternatives is likely to have significant adverse impacts for the provision of amenities, open spaces and parking at the school.

7.4 Traffic Impact

7.4.1 The proposed development is intended to replace classrooms provided in the form of portacabins and to improve basic facilities and internal access arrangements. While I acknowledge that there is apparently continuing nuisance and potential traffic hazards resulting from present access, drop-off / collection, and parking arrangements, I consider that, in the context of the purpose of the development, these are ongoing issues that derive from the present functioning of the school. In my opinion, this is a matter that requires to be resolved by the relevant public authorities, the school's Board of Management and the residents of the area. However, to draw in the proposed development, which is replacement development and ancillary improvements, into the established problems is not warranted in my view.

7.4.2 While I acknowledge that the planning authority sought a mobility management plan by way of further information and it did not receive one, and while I note the requests by observers for a traffic impact assessment and a road safety audit, I consider, in the context of the intent of the development, that such additional submissions are not merited. If the Board is of the opinion that such additional information is required it evidently is permitted to seek such information.

7.5 Miscellaneous Issues

7.5.1 The appellants have submitted that, if the stated applicant is not the legal owner of the land, the application is not in compliance with Article 22(g) of the Regulations. The provision to which this query applies is Article 22(1)(d) of the Planning and Development Regulations 2001. A planning application is required to state the legal interest of the applicant and, if the applicant is not the owner, state the name and address of the owner. The applicant is the chairperson of the Board of Management of St. Mary's Boys National School. There is no reason to conclude that the School's Board of Management does not have sufficient legal interest to make this application.

7.5.2 The third party submitted that the site notice remained in place one calendar month following the decision of the planning authority and considered this misleading to the general public and in breach of the statutory Regulations. Article 20 of the Planning and Development Regulations refers to the time limits relating to a site notice. A site notice is required to be maintained in position for a period of five weeks from the date of receipt of the planning application by the planning authority. I note that the delay in the removal of the notice did not preclude the appellants from making their appeal and also that the notice has indeed been

removed. No significant planning implications arise from events surrounding the life of the site notice.

7.5.3 I note the complaints raised in relation to the lack of consultation with neighbours prior to the submission of the application to the planning authority. I acknowledge these concerns but I must also acknowledge that there is no statutory obligation on the applicant to engage in consultation with neighbouring property owners.

7.5.4 Finally, I acknowledge that the classrooms to be provided are intended as replacements for the existing portacabins. It should be a condition of any permission that they be removed upon completion and occupancy of the new development.

8.0 RECOMMENDATION

I recommended that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the existing use of the site, to the established configuration of development on this site relative to the pattern of development in the area, and to the layout, scale and design of the revised proposed development, it is considered that the proposed extension would not seriously injure the residential amenities of properties in the vicinity, would not endanger public safety by reason of traffic hazard, and would, therefore, be in accordance 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 drawings and details submitted to the planning authority on the 11th and 18th of November, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing portacabins shall be permanently removed from the site within one month of the occupancy of the new classrooms.

Reason: In the interest of orderly development.

3. The 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.

Kevin Moore

Senior Planning Inspector

March, 2016.