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Bord  
Pleanála

## Inspector's Report ABP 303651-19.

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<b>Development</b>	Extension to school consisting of 1 no. additional classroom.
<b>Location</b>	Ballygarrett, Ballygarrett, Co. Wexford.
<b>Planning Authority</b>	Wexford Co. Council
<b>Planning Authority Reg. Ref.</b>	20181328
<b>Applicant</b>	Niall Madden, Board of Management, St. Mary's School
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Leo Bermingham
<b>Observers</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> of May 2019
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The site is located within the village of Ballygarrett, Co. Wexford. It is situated to the western side of the village and circa 290m from the crossroads at the centre of the village.
- 1.2. The site has a stated area of 0.85 hectares. It is occupied by St. Mary's National School. The school building is single storey it accommodates 8 no. classrooms with ancillary classrooms, offices and facilities. It is served by a grassed area to the west of the building which incorporates a small playing field to the rear. There is a hard-surfaced yard area adjoining the school to the west. To the front there is a fenced off basketball court, tarmac playground and staff and visitor carparking.

## 2.0 Proposed Development

- 2.1. Permission is sought for an extension to the school consisting of 1 no. additional classroom. The proposed classroom is detached from school with a floor area of 103.55sq m. A pitched roof is proposed with a ridge height of 6.15m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 6 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Report dated 15/11/18 – Further information was sought in relation to the following;

1. Clarify if the proposed development is to cater for existing pupils or would accommodate increased numbers.
2. Submit revised drawings indicating that the classroom and bathrooms are fully accessible. Proposed windows to the north-east elevation to be replaced with opaque glass.

3. Submit details of complete hydraulic and organic breakdown of effluent loading from the existing school including existing pupils and staff and additional numbers as a result of the proposed extension.
  4. Submit documentation from the installers of the waste water treatment system demonstrating that the existing treatment system has sufficient capacity for additional loading.
  5. Submit revised layout plan identifying all the components of the existing waste water treatment system.
  6. Submit details of proposed screening for the north-eastern boundary including additional landscaping.
- Report dated 16/1/19 – Following the submission a response to the further information the Planning Authority were satisfied that all issues were addressed and permission was granted.

#### 3.2.2. Other Technical Reports

Environment Section - No objection subject to condition.

Roads Section - No objection

### 3.3. Third Party Observations

- 3.3.1. The Planning Authority received one observation/submission in relation to the application. The main issues raised are similar to those set out in the appeal.

## 4.0 Planning History

**PA Reg. Ref. 20140802** – Permission was granted for alterations and extensions to existing school consisting of 1 no. permanent classroom together with associated auxiliary accommodation and remedial works to existing school to accommodate the new extension.

**PA Reg. Ref. 20120483** – Permission was granted for extensions to the school consisting of 1 no. classroom with associated ancillary accommodation and remedial works to an existing school to accommodate the new extension and replacement of existing long term pre-fabricated classroom.

**PA Reg. Ref. 20033782** – Permission was granted for the construction of a bus pull-in, teachers car park and associated site works.

**PA Reg. Ref. 2003281** – Permission was granted for construction of a classroom, 2 no. WC's and store room to the existing 5 no. classroom school.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan is the Wexford County Development Plan 2013 to 2019.

- Section 16.5 – Education
- Section 18.9.1 – Schools

### 5.2. Natural Heritage Designations

5.2.1. The closest Natura 2000 sites are;

- Cahore Marshes SPA (site code 000717) located 2.4km to the south-east of the appeal site.
- Cahore Polders and Dunes SAC (site code 000700) located 2.8km to the south-east of the appeal site.

### 5.3. Environmental Impact Assessment (EIA)

5.3.1. The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to EIA requirements.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal was submitted by Leo Bermingham. The issues raised are as follows;

- The proposed development would negatively impact the appellant's property.
- It would result in a 25% devaluation of his property.
- The proposed classroom would be located 3 foot (0.9144m) from the western boundary of his property. The proposed 5 no. windows and door would cause overlooking.
- The proposed development would cause overshadowing and loss of light to his rear garden.
- The trees and shrubs along the western boundary would be impacted due to the proximity of the proposed classroom.
- The existing school has lights on from dusk to dawn causing light pollution and the proposed classroom would also cause light pollution.
- The proposed development would be located close to the appellant's septic tank and would cause problems with the percolation area.
- The proposed classroom has a pitched roof, while the existing school has a flat roof. Therefore, the proposal would be out of character with the main school building.
- The appellant requests that the Board refuse permission.

## 6.2. Applicant Response

A response to the third party appeal was received from the applicant Niall Madden, Board of Management, St. Mary's School. The issues raised are as follows;

- The first party do not consider that the proposal would devalue the appellant's property.
- The proposed classroom does not contain five overlooking windows and a door as set out in the appeal.
- The proposed development would not cause shadowing or result in a loss of light to the appellant's property.

- The proposed classroom would not cause additional light pollution as stated in the appeal. The school has responsibility under Health and Safety grounds to supply low level dawn to dusk lighting.
- There is no evidence of a septic tank on the appellant's property near the school boundary.
- The school features both flat and pitched roofs. Therefore, the proposed extension is in keeping with the current built form.
- The school currently has 228 no. pupils. The proposed additional classroom is necessary to accommodate the current and future pupil numbers.

### 6.3. **Planning Authority Response**

- None received

## 7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and Amenity issues
- Appropriate Assessment

### 7.1. **Design and Amenity issues**

- 7.1.1. The proposed development entails the construction of 1 no. detached single storey classroom to the north-west of the main school building. The location of the proposed classroom is grassed and flat. The school garden which includes a small polytunnel shed is situated to the north of the proposed classroom. The proposed structure would be set back 1.9 metres from the eastern site boundary. The appellant's property bounds the site along a section of the northern and eastern site boundaries. This boundary is formed by a chain link wire fence. The section of the boundary adjoining the site of the subject classroom also features shrubs and

mature trees. The rear of the appellant's dwelling faces west towards site and at the closest point it is situated 26m from the proposed structure.

- 7.1.2. The front of the classroom would face south towards the main school building and rear yard. Consequently, the primary fenestration and doorway are located in the south facing elevation. There is minor glazing proposed to the east facing elevation comprising three windows. Two narrow elongated windows are proposed to serve 2 no. WC's and a window is proposed to the store room. The revised drawings submitted with the further information response indicate that opaque glazing is proposed in those three windows. A new 1.8m high timber fence is proposed along the party boundary which is the appellant's western site boundary. Accordingly, having regard to the separation distance between the subject classroom and the appellant's dwelling, the proposal to install opaque glazing to the east facing windows within the building and the proposed 1.8m high timber screen fence, I do not consider that it would result in any undue overlooking or that it would have a significant impact upon the existing residential amenities of the appellant's property.
- 7.1.3. Due to the siting, design, height, scale and overall orientation of the proposed building I do not consider that there would be overshadowing or loss of light to the appellant's property.
- 7.1.4. The appellant raised concern in relation to light generated from the subject classroom. In relation to the matter, I would note that the windows facing appellant's property serve a store room and WC's and therefore would have limited usage. I would also note, that in the normal course of events a school would not be occupied in the evenings, overnight or at weekends. Furthermore, the proposed timber fence and existing boundary planning would provide satisfactory screening when the rooms are lit.
- 7.1.5. The appellant refers to the proposed pitched roof to the classroom and considers it out of character with the existing school. The applicant in response to this issue noted that the school features both flat and pitched roofs. The southern section of the main school features a pitched roof with the other section of the building having a flat roof. Therefore, I consider the proposed pitched roof to the extension would integrate with the design character of the main school building.



- 7.1.6. The appellant raised concern regarding the proximity of the subject classroom to the percolation area of his waste water treatment system. The proposed structure would be set back 1.9 metres from the eastern site boundary with the appellant's property. As per the standards set out in Table 6.1 of the EPA, Manual – Wastewater Treatment and Disposal Systems Serving Single House the EPA Manual – Treatment Systems for Single Houses (2009) the minimum separation distance between a percolation area and site boundary is 3m. The previous guidance document Septic Tank Systems – Recommendations for Domestic Effluent Treatment and Disposal from a Single Dwelling House published in 1991 also required a separation distance of 3m between the percolation area and site boundary. That document was preceded by the first edition published in 1975. Accordingly, the percolation area serving the septic tank effluent treatment system at the appellant's property would therefore be subject to the requirement for a separation distance of 3m to the site boundary. On that basis, I do not consider that the siting of the proposed classroom circa 1.9m from the site boundary with the appellant's property would cause any undue impact to the percolation area on the appellant's site.
- 7.1.7. The appellant submits that the proposed development would result in the reduction of the value of his property by 25%. The appellant has not provided a detailed basis for this assertion and I would also note that there is no recognised methodology for such a calculation. Having regard to the details set out above I am satisfied that the proposed development would not unduly impact upon the existing residential amenities of the appellant's property, I would therefore not consider this to be grounds for refusal.

## **7.2. Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, a classroom extension to an existing school and its distance to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the current established use of the site as a school and the pattern of development in the vicinity of the site, and having regard to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 13<sup>th</sup> of December 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require 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. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. 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.

4. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

**Reason:** In the interests of visual amenity.

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Siobhan Carroll  
Planning Inspector

14<sup>th</sup> of May 2019