



An
Bord
Pleanála

Inspector's Report ABP-308771-20

Development	Single storey extension with mono-pitched roof to comprise three new classrooms
Location	St Oliver Plunkett National School, Sandy Lane, Haggardstown, Blackrock, Dundalk, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	20724
Applicant(s)	St Oliver Plunkett National School.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Sandra Meehan and Romeo Jeytoo, Yvonne Cassidy.
Observer(s)	Mary and Martin van der Bom.
Date of Site Inspection	16 th March 2021.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.7ha, comprises of play space to the rear of existing school buildings at the St. Oliver Plunkett National School, on Sandy Lane, Blackrock, Co. Louth. The school site contains single and two-storey school buildings, grassed and tarmac play spaces and staff car parking. The school has a stated current enrolment of 454 pupils and 30 staff.
- 1.2. The site is located in an area with a mix of commercial, community and residential uses and is adjoined to the east and west by residential properties, whilst open spaces within the Sandfield Gardens and Sandy Grove estates bound the site to the north. The rear of the school site, where the proposed development would be located, is enclosed by a perimeter wall of varying height, between c.1.8m and 2.5m, and palisade fencing.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a detached single storey extension, with mono-pitched roof, to comprise 3 no. new classrooms and ancillary rooms, and a single storey covered canopy connected to the existing school.
- 2.2. The extension would be located to the rear of an existing 2-storey school building on the site, adjacent to the eastern site boundary. It would measure 34.32m long x 8.55m high, with a gross floor area of 254sqm, and with the monopitch roof rising to a maximum height of 5.13m above ground level. In addition to 3 new classrooms, the building would also contain heating and electrical rooms, located at the southern end of the building.
- 2.3. Access to each of the proposed classrooms would be taken from the east, with a 2.4m wide canopy covered walkway provided from a point inside the access gate providing a level of enclosure to the route to the building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted by Louth County Council on 27th October 2020, subject to 2 no. planning conditions.

Condition no. 2 required that external materials used in the construction of the connecting canopy along the

Condition no. 2 required that external materials used in the construction of the connecting canopy along the eastern boundary should incorporate measures to reduce or modify any noise that may arise and also required that additional measures including landscaping shall be submitted to and agreed in writing with the planning authority, to control noise emissions.

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 23rd October 2020, which reflects the Planning Authority's decision to grant permission. The report outlined that the proposed development was in accordance with the Community, Education and Recreation zoning which applies to the site and expressed the view that it would not have any undue impact on neighbouring residential properties, due to the presence of existing structures or trees which overshadow these properties. Noise emissions were considered the main issue with the development and the Report recommended a condition which required the use of noise reducing materials for the connecting canopy, together with additional measures to be agreed. Regarding open space, the Report considered that the retained quantum of play space for the school would be acceptable. The report recommended that permission should be granted for the proposed development and the recommended conditions are generally in accordance with the Planning Authority's decision.

- 3.2.2. Other Technical Reports

Infrastructure Office report dated 23rd October 2020, which outlined no objection to the development.

3.3. Prescribed Bodies

- 3.3.1. The Planning Report indicates that Irish Water was consulted on the application but did not make any responding submission.

3.4. Third Party Observations

- 3.4.1. A number of letters of observation were received on the application, the issues raised within which can be summarised as follows: -
- The proposed development was considered out of character with the area and comprises overdevelopment of the site,
 - There were other locations within the school site for this development and the chosen location is the least optimal, in relation to the impact it will have on adjacent bungalows,
 - Concerns were expressed regarding overshadowing and overbearing impacts,
 - Concerns were expressed regarding the appropriateness of locating the proposed covered canopy adjacent to the shared boundary with residential properties,
 - The development will result in loss of light for neighbouring properties,
 - The existing school use generates significant noise and vibration,
 - The existing school generates traffic and road safety issues and the proposed development would intensify same,
 - Concerns were expressed regarding the loss of trees.

4.0 Planning History

- 4.1. I encountered the following recent records in my review of the planning history of the site: -

05254 - Permission granted on 20th May 2005 for a single storey extension to the rear of the existing building to provide 2 no additional classrooms with ancillary accommodation, a resource room and associated site works.

01718 - Permission granted on 29th September 2001 relocation of portacabin and 2 prefab classrooms and erection of 3 no temporary classrooms for 24 months.

00401 - Permission granted on 2nd September 2000 for demolition of 3 Classrooms and Provision of 6 Classrooms.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Section 2.16.4 of the Louth County Development Plan 2015-2021 outlines that the Dundalk & Environs Development Plan 2009-2015 remains the operative development plan for the area and that the county development plan is an overarching plan for the entire county, including Dundalk.
- 5.1.2. The site is zoned 'CER' Community, Education and Recreation under the Dundalk and Environs Development Plan 2009-2015, with an objective *'To protect, provide and improve community, education and recreation facilities.'*
- 5.1.3. Development plan Policy HC 26 is of relevance to the application, stating that it is the Policy of the Council to: -
- 'Co-operate with the Department of Education in the identification of need and provision of school sites.'*

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within or adjacent to any designated European Site.

5.3. EIA Screening

- 5.3.1. The development falls within the category of *'Infrastructural Projects'*, under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:
- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

- 5.3.2. The proposed development consists of an extension of an existing school within an urban area, on a site with a stated area of 0.7ha. Having regard to the limited nature and scale of the proposed development, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are 2 third party appeals, the issues raised within which are summarised separately below: -

Appeal by Sandra Meehan and Romeo Jeytoo

The appeal has been prepared by EHP Services, on behalf of the appellants.

- There is no objection in principle to development of the school, which is appropriately scaled and which does not negatively affect the appellants' residential amenities.
- The appellants do not agree with the Planning Authority's assessment, that there is already a degree of impact from the school's proximity to neighbouring residential properties and that further impacts can be considered acceptable. The extent of the current school operation is argued as the maximum that is tolerable and it is unfair and unjustified to permit development that further diminishes residential amenity.
- The proposed development would have a profound negative impact upon their amenities and enjoyment of the appellants' property, due to noise, overbearing and loss of light.
- Noise impacts
 - The proposed canopy covered walkway linking the proposed development and existing school building would have the effect of amplifying noise within the appellants' garden. The side door and alleyway adjacent to the shared boundary between the appellants and the applicant has become more

frequently used in the current Covid19 circumstances and the proposed development will increase the use of this door and alleyway, with associated noise and disturbance increases. Reference is made to policies within the county development plan and Dundalk & Environs development plan, which seek to protect sensitive receptors from noise nuisances.

- Condition 2 of the Planning Authority's decision to grant, which requires that materials should be incorporated which reduce or modify any noise emissions, is impractical and unconvincing.
- Condition 2 is both *ultra vires* and contrary to advice contained within the *Development Management Guidelines*, which outlines that conditions should be enforceable, reasonable and precise. The condition does not require the submission of any information or materials for the Planning Authority's written approval, instead leaving it up to the applicant to implement without oversight.
- Condition 2 is vague, incomplete and unenforceable as it requires an outcome which the applicant cannot deliver. An entirely separate structure is required, in order to provide the level of reduced or modified noise envisaged and this would require substantial modification of the block wall on the eastern boundary, which is not entirely within the applicant's ownership or control.
- Irrespective of the manner of construction of the covered walkway, the proximity of the walkway and concentration of school children and associated noise is the appellants' principal issue.
- Overbearing and loss of light
 - The proposed development would exacerbate the appellants' sense of enclosure and overbearing. The rear bedroom within their home and rear garden are overpowered by the two-storey school building, which limits the amount of light received by both areas, and the only relief is the ambient daylight from the unobstructed northern skyline.
 - The 5.1m high, tallest part of the proposed building would be located next to the eastern neighbours, where it will result in overbearing and loss of daylight for the appellants and overbearing, overshadowing and loss of sunlight for Nos. 5, 6 and 7 Sandfield Gardens. Whilst the existing school building

interferes with direct sunlight to these properties, in the evenings, once the sun has passed over the school, the adjoining gardens receive direct sunlight. The proposed development will result in the appellants' property becoming darker and gloomier.

- The cumulative effect of these impacts will be the devaluation of the appellants' property.
- The development is out of keeping with the proper planning and sustainable development of the area and planning policies and objectives which seek to protect the amenities of existing residential properties, from new development.
- Alternative locations within the site
 - The appellants are aggrieved at the lack of consultation with neighbours and consider the development is located in an area of the school grounds that has the greatest possible detrimental impact. There are alternative locations within the site for the development and the applicant has given no explanation for the site selection process. It is inaccurate to describe the site location as a marginal strip.
 - Alternative site locations have been suggested, which are more appropriate. Some of the suggested alternative locations may require the informal playing field to be moved westwards, but there is adequate space within the school grounds to accommodate a playing field.
- Suggested design amendments
 - The building could be reoriented 180°, so that the rear elevation doors face onto the school yard and access to the classrooms is moved away from the shared boundary. The tallest part of the building would also face away from the neighbouring dwellings, mitigating overbearing and overshadowing concerns.
 - In addition to the above, the ridge height of the building could be reduced, resulting in a shallower roof pitch.
- Increased traffic

- Local residents have had to deal with congestion at the front of the school for years, at drop-off and pick-up times.
- The lack of clear justification for the proposed classrooms gives rise to concerns for increased congestion, illegal parking nuisances, noise and disturbance, if they are intended to accommodate an increased student enrolment within the school.
- The matter was not adequately addressed by the Planning Authority.
- The Board is requested to overturn the Planning Authority's decision and refuse permission.

Appeal by Yvonne Cassidy

- The proposed development would permanently deny light to and overshadow the appellant's property.
- The appellant engaged with the applicant in 2020, in relation to overgrown trees within the school grounds. Restrictions on light penetration from trees is different to that caused by a building. It would be unfair and wrong to deny the appellant's garden and house light.
- The existing school building already dominates the skyline, is imposing and intrusive and overlooks the appellant's home.
- The proposed development would be out of character with current structures on the site and would result in an incompatible, asymmetric look in an already overdeveloped part of the school grounds,
- The proposed development will add to a loss of privacy and the proposed covered canopy walkway would result in additional noise, over and above existing noise levels.
- The Board is requested to overturn the Planning Authority's decision and refuse permission.

6.2. Applicant Response

- 6.2.1. A submission was received on behalf of the applicant, prepared by Sheehan and Barry Architects, on 22nd December 2020, responding separately to both third party appeals. The contents of the submission can be summarised as follows: -

Appeal by Sandra Meehan and Romeo Jeytoo

- The use of the subject site as a school dates back to 1899, before any of the adjacent residential developments were built. Current enrolment is 454 pupils and there are 30 staff.
- The design brief for the development was determined by the grant approval from the Department of Education and Skills, for three mainstream classrooms including ancillary facilities (80sqm total) with the condition that the new classroom building is to be a standalone, permanent structure.
- The school has been extended previously, but the current enrolment is not adequately served by the current number of classrooms.
- Consideration was given at the feasibility stage to all relevant aspects of the site. Three principal design options were developed and discussed with the school's Board of Management and the proposed development was selected as the best and most balanced response. Details of the feasibility studies have been provided as part of the submission.
- The applicant engaged in pre-planning discussions with the Planning Authority, including a meeting on 9th July 2020 and affected neighbours were notified of the development prior to submission of the application.
- The Planning Authority's decision on the application takes account of both the CER zoning which applies to the site and the RES1 zoning which applies to adjacent lands. Condition 2 of the Planning Authority's decision to grant seeks details for noise reduction and reduced transmission to the adjacent sites.
- No. 1 Sandfield Gardens is located more than 17m to the south-east of the proposed development. Due to the distance and relative location of this house and garden, it is not affected by overbearing or overshadowing. This is clearly shown in an enclosed shadow analysis.

- The proposed building is a single storey structure, 3.5m-4.5m from the eastern site boundary. Due to its deliberate positioning, it encloses the currently open school yard and will form a noise barrier, reducing noise transmission from the school yard. The separation distance from the eastern boundary also serves to minimise overbearing and overshadowing, as is demonstrated in the enclosed shadow analysis.
- The canopy will not amplify or funnel any noise and no evidence has been submitted which demonstrates this. The specification for the structure will be submitted for the agreement of the Planning Authority and a written agreement will be sought to achieve a reduced noise transmission, for compliance with planning legislation and the building regulations.
- The existing side door will be used more frequently in the mornings and afternoons, but the walkway and canopy are intended for the approach to and from the new classrooms.
- An increase in student numbers at the school is not foreseen at this time. The intention is to provide additional space for the existing enrolment.
- Regarding concerns over the practical enforceability of condition 2 of the Planning Authority's decision, the applicant's architect is a long-established and reputable firm with comprehensive experience and technical expertise. To comply with the condition, a specification of proprietary sound absorbing materials used at the soffit of the canopy and on the walkway will be provided. A compliant noise reduction can be achieved.
- The reason for the proposed development is due to the number of pupils not adequately catered for by the existing classrooms. The development is not likely to create a significant increase in traffic. There are no traffic management issues at the site.
- Existing access and staff parking arrangements will remain unaltered.
- The site is centrally located in Blackrock and is accessible on foot, by public transport, by bicycle and by car.

- Engagement with the Planning Authority's Roads Department is required by the Department of Education and Skills. This will take place and a traffic management plan can be prepared on request.

Appeal by Yvonne Cassidy

- No. 6 Sandfield Gardens is located more than 18m from the east-facing wall of the proposed development. The property is not affected by overbearing or overshadowing. This is clearly shown in an enclosed shadow analysis.
- The proposed building is a single storey structure, 3.5m-4.5m from the eastern site boundary. Its 5.13m maximum height is lower than the roof of the existing 2-storey school building and the 3 east-facing high-level windows are 3.4m above ground and solely provide a second aspect for natural light to enter the classrooms. The appellant's property cannot be overlooked from the structure.
- Due to its deliberate positioning, it encloses the currently open school yard and will form a noise barrier, reducing noise transmission from the school yard.
- The roof-form and render finished walls and fenestration design are compatible with the existing buildings and reflect the character of the proposed building, as the latest addition to the site.
- The canopy will not amplify or funnel any noise and no evidence has been submitted which demonstrates this. The specification for the structure will be submitted for the agreement of the Planning Authority and a written agreement will be sought to achieve a reduced noise transmission.
- Regarding a request to fell 2 trees adjacent to the site's eastern boundary, it is proposed to remove the southern-most of the two trees, which has split, whilst the northern-most of the two would be pruned and retained.
- The appellant has planted trees along their site boundary and this does not seem to impair ambient light.

The Board is requested to dismiss both third party appeals.

6.3. Planning Authority Response

- 6.3.1. A submission was received dated 6th January 2021, the contents of which can be summarised as follows: -

Appeal by Sandra Meehan and Romeo Jeytoo

- The site is zoned Community, Education and Recreation and a proposed extension is acceptable in principle subject to normal planning criteria.
- There is an existing 2m high perimeter wall along the eastern site boundary and the proposed extension would have a maximum height of 5.1m. Separation distances to adjoining properties vary. 1 Sandfield Gardens is 0.5m away, where the 2-storey school buildings exists and where the proposed development would not have any impacts. 7 Sandfield Gardens is 1.5m away and there will be some impact on this property but overlooking will not arise.
- The Planning Officer considered the ridge height of the appellants' property and that of the proposed development and, taken in conjunction with the 2m high perimeter wall, considered the proposal would not be unacceptable as designed.
- The Planning Officer did have concerns regarding noise and this is why condition no. 2 was recommended and attached to the decision to grant permission.

Appeal by Yvonne Cassidy

- The planning officer inspected the subject site and deemed that the extension would not reduce the light to 6 Sandfield Road to an unacceptable degree.
- The removal of trees along the shared boundary is a civil matter. The trees in question are not protected by a Tree Preservation Order.

The Board is requested to uphold the Planning Authority's decision on the application.

6.4. Observations

A letter of observation was received from Mary and Marinus Van Der Bom, of 2 Sandfield Gardens, Sandy Lane, Blackrock, the issues raised within which can be summarised as follows: -

- The proposed canopy will funnel noise directly into the observers' garden. The development would result in the rear garden becoming unusable.
- The proposed classrooms will also result in additional noise, impacting on rear rooms of the observers' home and their use of the rear garden.
- The development will result in a loss of light to the observers' property and would have an overbearing impact. The observers' property is on lower ground than the application site, as is 1 Sandfield Gardens, so the proposed building would be taller when viewed from these adjacent properties.
- The applicant has alternative locations within the school grounds, to provide the proposed development.
- The development will devalue the observers' property.
- An increase in traffic levels would impact on the observers' ability to use their driveway. Existing traffic levels associated with the school are serious and damaging and above a tolerable level.
- Previous extension works at the subject site have resulted in vibrations within the observers' home and there is concern that the development may damage the structure of the observers' home.
- The applicant is requested to build on a different part of the school grounds.

6.5. Further Responses

6.5.1. Further submissions were received from the third party appellants and the Planning Authority. The contents of each submission can be summarised as follows: -

Submission from Yvonne Cassidy

- The appellant has not disagreed that the site is zoned for Community, Education and Recreational purposes.
- It is difficult to understand how, if a detailed survey and feasibility assessment were carried out, the applicant could have concluded that the proposed extension would not have a negative impact on the health and safety of persons entering/existing the school or neighbouring properties. The area already

struggles with the volume of traffic, parking, circulation and negative effects for neighbours.

- Neighbouring properties are routinely blocked by parents' cars, dropping off or collecting children. Increasing traffic volumes on top of existing levels is questioned.
- The appellant was not approached prior to the submission of the application, nor was the owner of 7 Sandfield Gardens.
- The shadow analysis documents are inaccurate, showing no bearing to the effect the development will have on the appellant's property.
- No concerns were raised in the appeal that the appellants' property would be overlooked, as has been claimed by the applicant.
- Regarding the applicant's statement that the development provides a more sheltered school yard, the development would deny children of the most sheltered school yard the school has.
- The proposed development will only receive limited natural light, due to the proximity of the building to the perimeter wall and the 2-storey school building. Greater effort should be made to provide a more fuel efficient and eco-friendly building.
- The appellants' objection to noise nuisance does not relate to the sound of children but, rather, the sound disturbance from the proposed canopy. The applicant's statement that the walkway will be designed to avoid amplification or funnelling of noise is not conclusive and instils no confidence.
- Regarding trees along the shared boundary, the appellant has had an unwritten agreement with the school that when the trees begin to impede light they would be pruned. It is accepted that the trees lose their leaves in winter, but it is the Summer period when their impact on the appellant's property is greatest. Unlike the trees, the proposed building will overshadow the appellant's garden.
- The applicant's claim that the appeal is based on inaccurate and unsubstantiated statements is refuted.

Submission from Sandra Meehan and Romeo Jeytoo

- The submission was made by EHP Services, on behalf of the appellants.
- The appellants disagree with the applicant's assertion that development of the site for educational use is a given. Compliance with the zoning objective is not the only material factor for this development. Consideration of the impact on neighbouring properties is equally as important. In this instance, the applicant would enjoy all of the benefits of the development, whilst the adjacent neighbours would endure its effects. The identified negative impacts should not be dismissed or diminished since the applicant has not made a convincing or prima facie case to justify the development.
- The applicant's response to concerns regarding site selection and suitability is dismissive and unsatisfactory. The absence of evidence of the pre-development analysis makes it difficult to understand or agree with the applicant's statement that the proposal represented the best and most balanced response.
- The applicant's submission gives the impression of retrospectively justifying the proposed siting of the development. There is no indication of the methodology used or the reasons why alternative sites were dismissed. The submission fails to provide a compelling reason for the rejection of other sites.
- Regarding alternative locations, the structure should be repositioned to Option B of the applicant's submission (Drawing No. 2379-11-2-103), where all objections and concerns raised in the appeal would be addressed.
- The appellants were not approached by the applicant, prior to submission of the application.
- The applicant's submission pays greater attention to the proposed building, rather than the covered walkway, which is the principal aspect of the appellants' objection to the development.
- The applicant's claim that the appeal is based on inaccurate and unsubstantiated statements is refuted. A number of the issues raised arose due to the lack of clarity with the submitted application.
- The appellants' property is located on Sandy Lane, not Sandfield Road. It is reiterated that the development will impact on daylight received from the northern skyline, which the applicants rely on heavily. The development will create a sense

of enclosure and will make the appellants' dwelling and garden gloomier and of less amenity value.

- Regarding the shadow projection diagrams provided by the applicant, they illustrate the extent of shading or interference with direct sunlight, but not ambient daylight. They do not address the issue of overbearing or loss of natural daylight. The shadow projection diagrams are also incomplete and confusing and seem to specifically avoid demonstrating any shadows being cast upon the appellants' rear garden.
- The appellants are already impacted by a variety of noise sources from this area of the school grounds. The appellants remain concerned that placing an unspecified material atop the alley will only serve to amplify noise.
- It is unsatisfactory that the issue of noise abatement should be deferred to a compliance condition. The type of noise abating material could be specified at this stage and the fact that it has not, undermines the appellants' confidence that the covered walkway will not impact on the appellants' residential amenities.

Submission from Planning Authority

- A further submission was received on 27th January 2021, advising that the Planning Authority had no further comments on the appeals.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of development;
- Impact on the character of the area
- Impact on Nos. 1-7 Sandfield Gardens
- Traffic and Parking
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.3. The proposed development is consistent with the 'CER' zoning objective, which applies under the Dundalk & Environs Development Plan 2009-2015, under which 'school' uses are permitted.

7.4. Impact on the Character of the Area

7.4.1. The proposed building is located to the rear (north) of the existing 2-storey school building on the site, in an area of the school grounds where there are only glimpsed public views.

7.4.2. Glimpsed views of the building are likely to be available from Sandy Lane, in the area between the 2-storey school building and 1 Sandfield Gardens, where part of the uppermost section of the building would be visible.

7.4.3. The building is also likely to be visible from the north-east, from an open space area and also the internal road within Sandfield Gardens, where parts of the north and west elevation would be visible.

7.4.4. In both of these likely available views, I do not consider the development would have any material or undue impact on the character of the area. The building would be viewed as part of the school ground setting and against a context of other, taller, school buildings.

7.4.5. Regarding the design of the building, one of the appellants has expressed concerns that it would be out of character with current structures on the site. Whilst the building is of a contemporary design, I do not share the appellant's concerns. The contemporary design is of its time and, as has previously been stated, it would have no material or undue impact on the character of the area.

7.5. Impact on Nos. 1-7 Sandfield Gardens

7.5.1. Regarding the relationship of the proposed development to Nos. 1-7 Sandfield Gardens, the building would be set off the eastern site boundary by between c.3.6m and 4.9m, with the monopitch roof rising towards the site boundary, to a high point of 5.13m above ground level. A 2.4m wide canopy covered walkway would also be provided between the building and the boundary wall.

7.5.2. I note from both third party appeals and from the third party observation that there are concerns regarding both the proposed building and the proposed canopy covered walkway.

- 7.5.3. In the case of Nos. 1-4 Sandfield Gardens, these properties are south of the proposed building and, as such, would not experience additional overshadowing, arising from the development. I also consider these properties are unlikely to experience any sense of enclosure or overbearing, due to the level of separation from the proposed building. The rear boundary wall of 1 Sandfield Gardens, as the closest of these properties to the development, is c.9m set back, whilst the rear plane of the house is c.17m away. Such separation is, in my opinion, adequate for a proposed development of single storey height.
- 7.5.4. In the case of Nos. 5-7 Sandfield Gardens, these properties are east of the proposed building and would experience varying levels of overshadowing. For Nos. 5 and 6 Sandfield Gardens, I am satisfied that the relationship of the proposed building, in terms of overshadowing, would be acceptable, where these houses are set each away from it by over 10m. 7 Sandfield Gardens is set on a shallower plot than the south-adjointing neighbours and extends to within c.2.5 of its rear boundary wall. The proposed building would be sited within c.7m of the rear plane of the dwelling and it is likely to be impacted to a greater degree by overshadowing.
- 7.5.5. As part of the first party response to the appeals, the applicant has provided a number of shadow study drawings, which model the likely level of overshadowing of neighbouring properties on 21st March, 21st June, 21st September and 21st December. For the important 21st March modelled scenario, the study indicates that the property currently experiences a high degree of overshadowing. It is vulnerable to any further reduction in light levels, given the shallow depth of the plot. The study outlines that the property would experience '*slight to moderate additional overshadowing*', in the afternoon and evening, as a result of the development. I have received the study and modelled drawings and I note the study indicates that almost all of the rear garden and the rear of the house being in shade by mid-afternoon. In my opinion, the study demonstrates that the development would have a noticeable overshadowing impact.
- 7.5.6. I have concerns regarding the overbearing impact of the development Nos. 5-7 Sandfield Gardens, No. 7 in particular. The tallest section of the building would be sited within 4.9m of the rear garden and c.7m of the rear of the dwelling and it would extend over the full c.17.5m width of the plot. In my opinion the proposed building is likely to overbear and contribute to a sense of enclosure of the property which, taken

together with the level of overshadowing likely to arise, would have a significant and unacceptable impact on this property. The building would also overbear and contribute to a sense of enclosure of 5 and 6 Sandfield Gardens where, taken together with the existing 2-storey school building, it would result in an effective single mass of varying height, between 5.13m and 6.5m, along the entire rear boundary of both properties.

- 7.5.7. I have given consideration to whether alternative locations within the site would be appropriate, particularly in light of the established use of the site as a school and the need to promote and facilitate ongoing improvement and expansion of the facilities provided. Whilst I am of the opinion there are other locations where the extension could be located, that would not have the same level of impact on adjoining properties, I consider it would be inappropriate to require a material relocation of the development, controlled through planning conditions. A refusal of permission is therefore recommended. The Board may, however, wish to consider this issue further.
- 7.5.8. The development would not give rise to overlooking of any of the east-adjoining properties, where the building incorporates only high-level windows on the east elevation, which would be 3.4m above floor level.
- 7.5.9. Regarding the proposed canopy covered walkway, it would be open on its east side, with an overhead canopy supported by columns spaced at regular intervals. I note the concerns of the appellants regarding potential noise nuisances but, in my opinion, the walkway is likely to be used only at times of access/egress from the new classrooms and, subject to appropriate management by the school, it would be unlikely to have any unacceptable impact on neighbouring properties. I am cognisant, in saying this, that the use of the site as a school is long-established at this stage and is likely to already be a source of intermittent noise, particularly at break times.

7.6. Traffic and Parking

- 7.6.1. Both appellants and the observer have identified issues with existing traffic levels associated with the school and have raised concerns at the impact which increased enrolment would have. I note, in this regard, that the applicant has clarified that the development is not intended to accommodate an enlarged student enrolment and is

intended to reaccommodate existing classes which are utilising substandard spaces within the existing school buildings. The applicant has also clarified that existing access and staff parking arrangements will be retained.

7.6.2. The school site is centrally located within Blackrock, and is accessible on foot, by bicycle, by public transport and by private car. I do not consider that issues regarding parking in such an accessible location would justify a reason for refusal of the development.

7.6.3. However, and notwithstanding the above, it was evident on my visit to the site that the immediate area surrounding the school contains a number of residential accesses and there is little or no on-street parking available in the immediate vicinity. Sandy Lane is also narrow, so informal parking in the morning and afternoon would likely contribute to congestion and parking issues. Should the Board decide to grant permission for the development, I would recommend that a condition be attached requiring the submission of a traffic management plan, which should outline proposals to alleviate congestion and parking issues at peak times.

7.7. Other Issues

7.7.1. Regarding the loss of a tree within the site, which is adjacent to the eastern site boundary, these trees are not subject to any tree preservation order and they do not make any particular contribution to the character of the area. I therefore have no reason to object to its removal. Should the Board decide to grant permission, I would recommend that a condition be attached requiring that replacement tree planting should be provided within the school site.

7.7.2. Regarding the observer's concerns regarding potential structural damage to their home, I am satisfied that should permission be granted, the development could be undertaken without any impact on the structural integrity of adjacent buildings.

7.8. Appropriate Assessment

7.8.1. The subject site is not within or adjacent to of any Natura 2000 site, the nearest designated sites being the Dundalk Bay Special Protection Area (Site Code 004026) and Special Area of Conservation (Site Code 000455), which area located c. 190m to the east.

- 7.8.2. The proposed development consists of a smallscale extension within an existing school site, on zoned and serviced lands, within a central area of Blackrock. There are no watercourses routeing through the site, which might connect it to either of the nearby Natura 2000 sites.
- 7.8.3. Having regard to the minor nature of the development and the absence of hydrological connection to any European site, 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 that permission for the proposed development be refused, for the following reasons and considerations set out below.

9.0 Reasons and Considerations

The proposed development, by reason of its scale and massing adjacent to the shared boundaries with residential properties at 5, 6 and 7 Sandfield Gardens, and taken together with existing development within the school grounds, would result in a visually dominant form of development, which would overbear and contribute to a sense of enclosure of these properties, in particular 7 Sandfield Gardens. The proposed development would therefore seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Dundalk & Environs Development Plan 2009-2015 and the Louth County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

1st April 2021.