



An
Bord
Pleanála

Inspector's Report

ABP-312850-22

Development	Construction of 2 storey extension to school for 4 classrooms, 2 set rooms, universal accessible toilet and circulation space. Alteration to north and east elevation of school. Construction of waste water treatment.
Location	Ballintotas National School, Ballintotis, Castlemartyr, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	214177
Applicant(s)	Ballintotas National School Board of Management
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Shane & Caitriona Carroll
Date of Site Inspection	1 st September 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The subject site contains Ballintotas National School and is located centrally within the rural settlement of Ballintotis in east County Cork. The site is located approximately 650m to the south of the N25 national route and approximately 2.5km to the west of Castlemartyr village. The site has a stated area of 2.93ha and currently accommodates a school and associated buildings and an astro-turf playing field. The subject site is bound to the north by a public road, to the east and west by residential properties and to the south by agricultural fields.
- 1.2. The school building is set back approx. 8m from the public road with a hardstanding area provided between the road and the school building. There is pedestrian access only to the site from the local road. Car parking is not provided but is availed of along the public road where the front boundary walls of neighbouring houses are set back from the road. There is a bus bay provided along the front/road boundary of the school.

2.0 Proposed Development

- 2.1. It is proposed to remove three temporary classrooms at the rear of the existing school with gross floor areas of 53m², 36m² and 160m², respectively, to remove a temporary building with gross floor areas of 23m², and to construct an extension to the existing school building. The extension has a proposed gross floor area of 503m². The proposed two storey extension would be located to the south (rear) of the existing school building and is to be provided on a split level. It is also proposed to insert two windows on the eastern elevation of the existing school building and to carry out some minor alterations to the north/ front elevation of this building.
- 2.2. The extension would accommodate 4 no. classrooms, 2 no. small rooms, a plant room and a universal WC. The extension has a shallow pitched roof with a maximum height of 8.81m. It is also proposed to provide a new wastewater treatment system on the site.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to notification of decision, the Planning Authority issued a further information request on 23rd March 2022 requiring a revised design showing the reduction in the scale, massing and bulk of the proposed extension on the boundary of the site. The First Party submitted revised drawings moving the proposed extension 1.2m to the west, demonstrating a reduction in the height of the building by 2.438m and some supplementary screening along the shared boundary with the residential property to the east.

3.2. Decision

- 3.2.1. By order dated 25th January 2022 Cork County Council issued a notification of decision to Grant Permission for the proposed development subject to 14 no. standard conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

There are two Planning Reports on file dated 22nd March 2021 and 20th January 2022, respectively. The Planning Officer in the initial report stated the principle of an extension to the school was acceptable within the settlement of Ballintotis given the established use on the site, but raised concerns about the scale and massing of the proposed extension in close proximity to the site boundary. The report recommended further information be requested seeking revised plans to reduce the scale, mass and bulk of the proposed extension.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

A second Planner's Report (dated 20th January 2022) refers to the further information submitted and considered that, having regard to the additional information, permission should be granted subject to 14 No. conditions.

3.3.2. **Other Technical Reports**

Area Engineer: No objection. Conditions recommended.

Environmental Officer: No objection. Conditions recommended.

3.4. **Prescribed Bodies**

Irish Water: No objection. Conditions recommended.

3.5. **Third Party Observations**

An objection to the proposal received by the planning authority raised issues similar to those set out in the 3rd party appeal summarised in section 6 below. These issues include querying the need for the size of the extension, and concerns regarding the loss of residential amenity and the overbearing impact of the proposed extension.

4.0 **Planning History**

4.1. **Appeal site**

P.A. Ref. No. 12/5645: Permission granted for a prefabricated classroom and shelter.

P.A. Ref. No. 06/9796: Permission granted for two prefabricated classrooms.

4.2. **Adjacent site to the west**

P.A Ref. No. 16/6148: Permission granted for changes to the façade and an extension to the house, and for the refurbishment and conversion of an existing garage.

5.0 Policy Context

5.1. Cork County Development Plan 2022 - 2028

5.1.1. Section 6.4 of the Plan outlines policy in relation to schools:

Where additional provision is required at primary or post primary level, the delivery of such additional provision is dependent on the particular circumstances and may be provided through either one, or a combination of the following:

- Utilising existing unused capacity within a school
- Extending the capacity of a school
- Provision of a new school
- Utilising/re-purposing existing buildings within settlements which meet the requirements for a school

Policy Objective SC 6-5: Educational Facilities

Facilitate the provision of educational services in the community such as schools, crèches and other educational and childcare facilities. Multiuse facilities which can accommodate both educational and childcare facilities are also encouraged.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 sites are Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030) which are located approximately 5km to the west of the appeal site.

5.3. EIA Screening

The proposed extension to the rear of an existing school is not a class of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Jack B. Cahill & Co., 40 South Mall, Cork on behalf of the third parties, Shane and Caitriona Carroll. The main points made can be summarised as follows:

- Questions the necessity to provide four classrooms given the number of students attending the school is between 110 and 120.
- Contend that the applicants did not explore any other design options for the provision of classrooms on the site.
- Contend that the sections and elevations included with the revised drawings for the proposed extension do not demonstrate the overbearing impact that the proposed development will have on their property.
- Includes contextual elevations demonstrating the differing ground levels between their property and the appeal site.
- Highlights a discrepancy in the number of windows proposed on the plans and elevations.
- Contend that the space indicated for screen planting is not available and is misleading.
- Concerned that the Planning Officer deemed the revised drawings to be 'tolerable' when a detailed or alternative design could reduce or eliminate any overshadowing or overlooking impact.
- Include a suggested re-design of the proposed extension reducing the ridge height by 1.375m and include a photograph taken from their patio area with indicated ridge profiles for alternative options for extensions to the school.

6.2. Applicant Response

None.

6.3. **Planning Authority Response**

The Planning Authority has not responded to the grounds of the appeal.

7.0 **Assessment**

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development and Need
- Residential and Visual Amenity
- Other Issue
- Appropriate Assessment

7.1. **Principle of Development and Need**

- 7.1.1. The subject site is located within the rural settlement of Ballintotis. There is an existing school use on the site since 1838. Permission was granted in 2006 and 2012 for the provision of temporary classrooms on the site.
- 7.1.2. I note that the third-party questions the necessity to provide four classrooms given the number of students attending the school is between 110 and 120. I note that two classrooms are to be retained in the old school building and four modern classrooms are proposed within the extension. It is likely that the four proposed classrooms within the extension would accommodate the eight classes within the primary education cycle and the two smaller rooms would be used as resource rooms or other ancillary school use. However, I consider this to be a matter for the Board of Management of the school and not necessary to adjudicate under this appeal.
- 7.1.3. Having regard to the existing school use on the site and the existing pattern of development in the area, it is considered that the principle of the provision of a school extension would be acceptable and would be compatible with the policy objectives contained in the County Development Plan.

7.2. Residential and Visual Amenity

- 7.2.1. The proposed extension would be located to the southeast of the existing school building. It is approx. 32m in length and varies in width from 8m where it joins the existing school to 11.25m at the southernmost part. The extension follows the topography of the site. It has a shallow pitched roof which varies in height from 6m to 8.81m. The north-eastern boundary treatment of the site comprises an existing 1.2m high wall with a c.2.5m high wire mesh fence. There is a hedge running along this shared boundary with the residential property to the northeast.
- 7.2.2. In response to the RFI by the Planning Authority, the design approach was altered to provide a reduction in scale, mass and bulk of the proposed extension. However, the appellants contend that the sections and elevations included with the revised drawings for the proposed extension do not demonstrate the overbearing impact that the proposed development will have on their property. The main concern of the appellants is that the proposed development would have a negative impact on their existing residential amenities in terms of its overbearing scale, overshadowing and overlooking.

Overbearing

- 7.2.3. The challenge of attempting to design and develop the educational facilities on a constrained site, such as this appeal site, is to avoid adverse consequences for the amenities of residents occupying the houses that adjoin the plot. The Planning Authority sought revisions to the originally proposed design solution for the appeal site as it was considered that the proposed extension would have an overbearing impact on the appellants' house. The First Party submitted a response to this RFI by introducing a split level to the proposed extension and thereby reducing the maximum ridge level of the proposed extension from 28.195m to 25.910m i.e., a reduction in height by 2.285m. In addition to this, the First Party proposed to move the proposed extension slightly further to the west away from the shared boundary, enabling the introduction of an open space area along the shared boundary that could accommodate screen planting.
- 7.2.4. In this case, the existing school building and the proposed extension would be separated from the side garden of the appellants' house to the northeast by the width of the narrow strip (1.1m – 4m) of open space along the flank of the school building /

proposed extension and further separated from the appellants' house by the width of the private open space (c.33m) at the western side of the appellants' house.

- 7.2.5. The proposed extension, due to the split-level design now proposed, will run along the length of the shared boundary with the appellants' property at lower height than the ridge level of the existing school building. Consequently, I consider that the proposed extension would be perceived to be a single storey extension to the school when viewed from the appellants' house. On this basis, I am satisfied that the reduced scale and height of the proposed extension under this appeal and the separation distance between the proposed extension and the appellant's house will not result in a significant overbearing impact on this property.
- 7.2.6. Similarly, I am satisfied that additional planting along the shared boundary to the north-eastern side of the proposed extension, as proposed on Drawing no. 18260_180 submitted to the planning authority on 21st December 2021, can be provided and would also assist in reducing the visual impact of the proposed extension when viewed from the appellants' side garden.
- 7.2.7. In conclusion, I am satisfied that the First Party has sufficiently reduced the height and scale of the building in order to minimise the overbearing impact on the residential amenities of the neighbouring house to the east. I am also satisfied that with additional planting along this shared boundary, the visual impact can be further reduced.

Overshadowing

- 7.2.8. The appellants contend that the proposed development will result in overshadowing and loss of sunlight to their kitchen, dining room, family room and living room, and that it would have a significant detrimental effect on the amenity value of their garden. In support of this contention, they have submitted photographs of the setting sun taken from their patio area and have also included indicative/alternative design proposals in the form of sketches and drawings demonstrating how it would be possible to further reduce the height of the proposed extension and the consequent impact on their property.
- 7.2.9. On the day of my site inspection, and as demonstrated by Drawing No.52 submitted with the appeal on 25th February 2022, I note that the appellants' house is located 31.9m from the north-eastern boundary of the appeal site. I also note the further

drawings, photographs and sketches submitted by the appellant demonstrating an alternative design solution for the proposed extension. I am satisfied that the reduction in the maximum ridge level of 400mm demonstrated in these drawings/sketches is not such that would be significantly lower than the revised drawings submitted at RFI by the First Party and approved by the Planning Authority. Consequently, I consider that, even though the proposed extension is higher than this party wall and hedging, given the aspect and separation distance, there is limited potential for any significant loss of direct sunlight that could occur to the windows within the appellant's extension/living areas as a result of the proposed development.

7.2.10. In relation to the impact on the appellants' rear garden, I have examined the existing layout on the day of my site inspection, the proposed site layout and drawings, and available aerial photography¹. As standard, it is recommended that at least half of the rear garden of a house should receive two hours sunlight on the 21st of March.² In this regard, I consider that the side garden of the appellants' house will not be impacted by overshadowing from the proposed development before 15:00 hours each day. I refer the Board to the aerial photograph attached to this planning report demonstrating existing levels of sunlight at approximately 11:00 hours on the day that the photograph was taken. I note the difference in ground levels and the height and length of the proposed extension, but I am satisfied, that with the revised design proposal, the reduction in sunlight to the appellants' side garden will not be so significant as to interfere with their enjoyment of their private open space. I am satisfied that a significant amount of direct sunlight will remain available to the appellants' side garden and, consequently, the occupiers of the house will continue to be able to enjoy their private amenity space post any development on the adjacent site and well above the minimum level of 2 hours direct sunlight specified in the BRE Guidance.

7.2.11. In conclusion, I consider that, given the aspects of both the appellant's house and associated side garden, to the northeast of the appeal site, that there is limited potential for significant loss of sunlight / daylight to occur to their property. In

¹ www.google.ie/maps/@51.9093798,-8.0951358,252m/data=!3m1!1e3

² P.18, Site Layout Planning for Daylight and Sunlight – a guide to good practice, P. Littlefair

particular, I consider that there is limited potential for any significant loss of sunlight / daylight to accrue to the appellants' internal living areas.

Overlooking

- 7.2.12. The existing boundary to the appellants' property is delineated by a stone wall and mesh fence. There is also a c.2m high hedge on the appellant's side of this shared boundary. The appellants house would be set back 33.75m from the proposed extension. However, the ground levels are c.0.5m lower on the appellants property and the appellants are concerned that the proposed windows will give rise to overlooking of their private open space.
- 7.2.13. The appellants also highlight a discrepancy in the number of windows proposed on the plans and elevations. Having reviewed the plans and elevations, I confirm that there are 7 no. windows indicated on the north-eastern elevation drawings and 8 no. windows indicated along this elevation on the floor plans submitted as further information to the Planning Authority. The additional window indicated on the floor plans is a high-level window for the purpose of providing light to an internal corridor, similar to three other windows proposed to provide light to the corridor. I will assess the possible overlooking impact in the context of the provision of 8 no. windows on the north-eastern elevation of the school building and extension.
- 7.2.14. On the day of my site inspection, I noted the significant difference in levels between the appeal site and the appellants' property. I also noted the orientation / aspect of the appellant's house which results in the private open space associated with the house being located to the western side of the house rather than to the rear / north. Therefore, I consider that any windows proposed on the north-eastern elevation of the school building or extension could give rise to overlooking of the appellants' private open space.
- 7.2.15. The Board should note that there are two ground floor windows proposed on the north-eastern gable of the existing school building and six windows proposed at ground floor level on the north-eastern elevation of the proposed extension. The two ground floor windows proposed to be inserted into the gable of the school building are 2.1m high by 0.7m wide and will provide light to a classroom. The six ground floor windows proposed on the extension are to provide light to an internal corridor. I note that the First Party has indicated on the elevation drawing (Drawing

no.18269_400 submitted to the Planning Authority on 21st December 2021 refers) that all windows on the north-eastern elevation are to be fitted with opaque glass. I consider that it would be necessary to fit all of the proposed windows, particularly the two windows proposed on the north-eastern gable of the existing school building, with opaque glazing to prevent overlooking of the appellants' private open space.

- 7.2.16. In conclusion, I am satisfied that the proposed development would not negatively impact on existing residential amenities in terms of overlooking, subject to the proposed windows on the north-eastern elevation of the existing school building and proposed extension being fitted with opaque glazing. In the event of a grant of permission, I recommend to the Board that a condition be included requiring that all windows in the north-eastern elevation be fitted with obscure glazing.

7.3. Other Issue

Wastewater Treatment and Disposal

- 7.3.1. It is proposed to replace the existing wastewater treatment system with an improved, packaged wastewater treatment system and polishing filter. A Site Characterisation Form was submitted with the planning application, and I have had regard to same.
- 7.3.2. The GSI online mapping system shows that the site is located within an area that has an aquifer category of 'Regionally Important – Karstified (diffuse)' and with a vulnerability described as 'Extreme'. This represents a GWPR of R2² under the EPA Code of Practice (2021). According to the Response Matrix (Table E1 of the CoP), onsite treatment systems are acceptable and a minimum thickness of 0.3m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e., 1.2m in total for a soil polishing filter).
- 7.3.3. The Site Characterisation Form submitted with the application confirms that a trial hole was dug at a depth of 2.1m on the site and no water table was encountered. A T-value of 43.31 was found which, combined with the trial hole results, indicates that a secondary treatment system may be suitable. The minimum setback distances from various sensitive receptors and key features outlined in the CoP (Table 6.2) have been demonstrated so that a new effluent treatment system can safely discharge to ground.

- 7.3.4. In summary, I acknowledge the groundwater vulnerability for the site is classed as 'Extreme'. However, given the demonstrated suitability of the site for the type of wastewater treatment plant that is proposed herein, I consider that the proposed development is acceptable. I further note that the new proprietary wastewater treatment unit and system would comprise an upgrade to an existing septic tank that is already operating on the site. I do not, therefore, consider that the proposed development would present a significant risk to groundwater pollution or be prejudicial to public health.
- 7.3.5. Having regard to the above, I am satisfied that it has been demonstrated that the site can accommodate the proposed proprietary wastewater treatment plant and that permission should be granted.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and the absence of any direct or indirect pathway between the appeal site and any European site and the separation distances to the nearest European sites (Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030)), 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

I recommend that permission for the above-described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the existing school use on the site, the pattern of development in the area, and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would not be prejudicial to public health, and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 21st day of December 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All windows and doors provided on the north-eastern elevation of the existing school building and proposed extension shall be permanently fitted with opaque glazing.</p> <p>Reason: In the interest of privacy.</p>
3.	<p>Prior to commencement of development the applicant shall submit and agree in writing with the Planning Authority landscaping proposals for the north-eastern boundary of the site.</p> <p>Reason: In the interest of residential amenity.</p>

4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>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 noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

Liam Bowe
 Planning Inspector

12th September 2022