

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2544/16

An Bord Pleanála Reference Number: PL 29N.246723

APPEAL by The Panty Bar Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 13th day of May, 2016 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Retention of a wall mounted, internally illuminated external sign at 7-8 Capel Street (corner of Capel Street/Great Strand Street), Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan 2011 – 2017 in relation to advertising signage, to the location of the subject site within the Capel Street and Environs Architectural Conservation Area, and the policies in relation to Advertising Structures within this Architectural Conservation Area which, at section 8.2.6, state that “the use of an internally illuminated signs...shall not be permitted except in exceptional circumstances”, it is considered that the development for which retention is sought can only be permitted at this location if it can be established that exceptional circumstances apply. The Board is satisfied, based on the documentation submitted with the application and appeal, that the subject sign is integral to the social, historical and cultural significance of the current use of the premises on the ground floor of 7/8 Capel Street, and accordingly that exceptional circumstances apply in this instance. It is therefore considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not conflict with the provisions of the Development Plan and of the Capel Street and Environs Architectural Conservation Area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. In the event that the current use of the premises which the subject sign advertises ceases, the subject sign shall be removed, and shall not be replaced by any other sign without a separate planning permission.

Reason: In the interest of clarity, since retention of the subject sign is justified solely on the basis of the social, historical and cultural significance represented by the current use of the premises, which constitutes exceptional circumstances within the context of the policy provisions of the Architectural Conservation Area.

3. This permission relates to the retention of the subject sign only, as submitted. No alterations to the sign, including any alterations to the design or method of illumination, shall take place without a separate planning permission.

Reason: In the interest of clarity, and to permit the planning authority to consider the impact of any such changes through the statutory planning process.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than the signage hereby permitted, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other structures through the statutory planning process.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.