

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5281/22

Appeal by Massey Brothers (Funerals) Limited care of Armstrong Planning Limited of 12 Clarinda Park North, Dun Laoghaire, County Dublin against the decision made on the 27th day of January, 2023 by Dublin City Council in relation to an application for permission for retention of a timber side boundary fence (2.1 metres high) along the western boundary of the forecourt and signage involving (i) a circular internally illuminated projecting sign (750 millimetres diameter) on the east elevation; (ii) a fascia panel lightbox (800 millimetres by 2000 millimetres) on the bull-noise elevation; (iii) a fascia panel lightbox (900 millimetres by 2303 millimetres) on the east elevation of the front extension and (iv) a circular fascia panel sign (1200 millimetres) on the west elevation of the front extension at Massey Brothers Funeral Home, 88B Cabra Road, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of (a) timber side boundary fence (2.1 metres high) along the western boundary of the forecourt and signage, (b) a fascia panel lightbox (800 millimetres by 2000 millimetres) on the bull-noise elevation and (c) a fascia panel lightbox (900 millimetres by 2303 millimetres) on the east elevation of the front extension and to refuse permission for (a) a circular internally illuminated projecting sign (750 millimetres diameter) on the east elevation and (b) a circular fascia panel sign (1200 millimetres) on the west elevation of the front extension.

Decision

GRANT permission for the timber side boundary fence (2.1 metres high) along the western boundary of the forecourt and signage including a fascia panel lightbox (800 millimetres by 2000 millimetres) on the bull-nose elevation and a fascia panel lightbox (900 millimetres by 2303 millimetres) on the east elevation of the front extension in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for signage including a circular internally illuminated projecting sign (750 millimetres diameter) on the east elevation and a circular fascia panel sign (1200 millimetres diameter) on the west elevation of the front extension based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the mixed zoning objective for the site (Z1 and Z3), which seek "to protect, provide and improve residential amenities" and "to provide and improve neighbourhood facilities" respectively, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity. The proposed development 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 on the 24th of November 2022, 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. Within 12 weeks of any final grant of planning permission, the applicant shall submit for the written agreement of the planning authority, details showing soft landscaping with planting along the western boundary with Number 90 Cabra Road. The landscaping shall be implemented in the first planting season following agreement, and any trees and shrubs which die or are removed within three years of planting shall be replaced in the following planting season.

Reason: In the interests of amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the signage on this property, including any increase in the number of signs to be displayed, or the internal/external illumination of same, shall be the subject of a separate application for permission to the planning authority.


Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

- 4 The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City (St. Stephens Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Reasons and Considerations (2)

The proposed signage would be incongruous and inconsistent with the surrounding development by reason of its size, location and internal illumination. It is considered that the signage would detract from the visual amenity of the area and would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *21st* day of *August*, 2023.

