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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4547/23**

**Appeal** by Cormak Limited care of SCA Planning and Development Consultants of 17A Bridgecourt Office Park, Walkinstown Avenue, Dublin against the decision made on the 21<sup>st</sup> day of November, 2023 by Dublin City Council to refuse permission for development comprising retention of two number internally illuminated high-level signs to the side (south-east and north-west) elevations and four number flag poles and associated holders at high level to the front (south-west) elevation, all at The Merrion Inn, 188 Merrion Road, Dublin.

**Decision**

**GRANT** permission for the retention of four number flag poles and associated holders at high level to the front (south-west) elevation in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to compliance with the conditions set out below.

**REFUSE permission for the retention of two number internally illuminated high-level signs to the side (south-east and north-west) elevations, based on the reasons and considerations marked (2) under.**

### **Reasons and Considerations (1)**

Having regard to the nature and extent of this element of development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the four flagpoles and associated holders would not seriously injure the visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this commercial premises. This element of development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse retention permission for the four flagpoles and associated holders, the Board considered that these elements would not lead to serious visual injury to the amenities of the area or of property in the vicinity, nor add to visual clutter. In reaching this conclusion, the Board considered the totality of relevant development plan policy and also the provisions of the Dublin City Shopfront Design Guide 2001. The Guide notes that flags and banners are considered to be unsuitable forms of identification, and the Board is in agreement with this principle. However, the use of flagpoles for non commercial related flags, such as national or provincial flag, is considered by the Board to offer interest and diversity in the context of the overall visual appearance of the subject premises, having regard to the urban location of the site. In addition, the Board noted photographic imagery within the Shopfront Design Guide 2001 which shows how (non-commercial) flags can enliven the frontage of commercial premises on occasion. It is considered that such a circumstance applies at the subject premises and having regard to the specific site location and urban townscape, the Board did not share the view of the Inspector that the flagpoles would cause unnecessary visual clutter.

## Conditions

1. The four flagpoles and associated holders 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

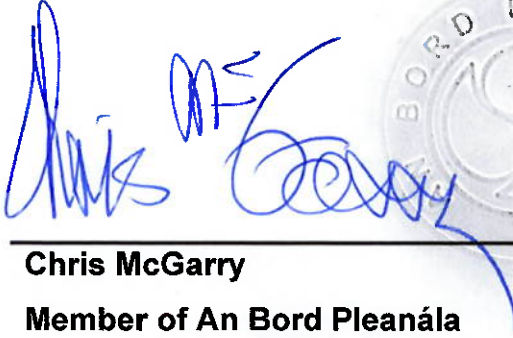

2. The flagpoles and associated holders shall not be utilised by any flags or banners which entail signage in relation to or for any purpose of identification of the established commercial premises.

**Reason:** In the interest of clarity.

## Reasons and Considerations (2)

The Board, having regard to the documents submitted with the application and appeal, considered that the proposed retention of the first-floor level illuminated signage on the side elevations would constitute visually obtrusive features, which would contribute to visual clutter in the streetscape. This element of development, proposed to be retained, would result in a negative visual impact on the character and appearance of the building and the wider area, would conflict with the relevant policies and objectives of the Dublin City Development Plan 2022-2028 and the Dublin City Shopfront Design Guide 2001, would create a precedent for similar

undesirable development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this  day of  2024.