An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Roscommon County

Planning Authority Reference Number: DED 174

An Bord Pleanála Reference Number: 20.RL.3430

WHEREAS a question has arisen as to whether the provision of signs at O'Connor's Bar and The Friary Restaurant, Tulsk, County Roscommon is or is not development or is or is not exempted development:

AND WHEREAS Eugene O'Connor care of Vitruvius Hibernicus of Convent Road, Longford requested a declaration on the said question from Roscommon County Council and the said Council issued a declaration on the 22nd day of October, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Eugene O'Connor referred the declaration for review to An Bord Pleanála on the 3rd day of November, 2015:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2(1), 3(1), 3(2) and 4 of the Planning and Development Act, 2000, as amended,
- (b) the definitions of "advertisement", "advertisement structure", "land" and "structure", as set out in section 2(1) of the Planning and Development Act, 2000, as amended,

- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (d) Classes 1, 2, 4, 5, 6, 11 and 13 of Part 2 of Schedule 2 to these Regulations, and
- (e) the reports of the planning authority and of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (i) the letters "Restaurant" painted onto the south-eastern roof slope of the bar/restaurant building constitute an advertisement within the meaning of section 2(1) of the Planning and Development Act, 2000, which has resulted in this structure becoming used for the exhibition of an advertisement, and the use of the land has, therefore, materially changed, and constitutes development, in accordance with section 3(2) of the said Act,
- (ii) the following each constitute advertisements as defined in section 2(1) of the Planning and Development Act, 2000, as amended, the installation or erection of which required the carrying out of works, and therefore, constitute development:
 - A. "The Friary Café and Restaurant" sign on the roof of the singlestorey lean-to extension at the south-eastern elevation of the bar/restaurant.
 - B. the "Restaurant" sign displayed on the flagpole at the southwestern side of the property along the N5,
 - C. the three banner signs stating "bar", "lotto" and "shop" affixed to the south-western elevation of the shop and bar/restaurant facing the N5,
- (iii) all of these signs might come within the scope of Class 1 of Part 2 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

- (iv) however, the "Restaurant" advertisement painted on the roof, of approximately 10 square metres, and "The Friary Café and Restaurant" sign, considerably exceed both Conditions and Limitations 1 and 2 in respect of total area, irrespective of whether the signs are considered to be displayed to the front or to the side of the premises; furthermore, the height of the "Restaurant" lettering on the roof would fail to comply with the restrictions under Conditions and Limitations 4(b) and 8 in relation to overall height, and height of lettering, respectively,
- (v) the "Restaurant" sign on the flagpole is approximately five metres in height, and would exceed Conditions and Limitations 4(a), and
- (vi) the three banner signs attached to the shop would each exceed Conditions and Limitations 4(b) and 8 in relation to height above ground level, and height of lettering, respectively:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said provision of signs at O'Connor's Bar and The Friary Restaurant, Tulsk, County Roscommon is development and is not exempted development.

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.

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

Dated this day of 2016.

20.RL.3430 An Bord Pleanála Page 3 of 3