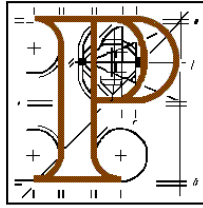


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.245459

Development: Protected Structure: Remove entirely and make good existing illuminated signage and replace existing prismatic sign with a single LED illuminated sign at No's. 34 O'Connell Street and 56 Bachelors Walk, Dublin 1.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3050/15
Applicant: Declan Coleman
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Declan Coleman
Type of Appeal: First party
Observers: None
Date of Site Inspection: 17th December 2015

Inspector: Donal Donnelly

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located at the corner of O'Connell Street and Bachelor's Walk in Dublin city centre. No. 34 O'Connell Street Lower is the corner building with east and south facing facades and No. 56 Bachelor's Walk is the adjoining south-facing building to the west. Both buildings are 5-storeys in height and occupy one of the most prominent locations in the city centre, being widely visible along the Liffey Quays, and from O'Connell Bridge, Westmoreland Street and D'Olier Street to the south.
- 1.2 No. 34 is currently occupied at ground level by a "Starbucks" coffee shop and there is a hairdressing salon at the ground floor of No. 56. The Dublin Cultural Institute, a school of English and business studies, jointly occupies the upper floors of both No's. 34 and 56. There is a tourist office beside the site on Bachelors Walk and an adjoining pharmacy on O'Connell Street.
- 1.3 No. 34 Bachelors Walk (façade excluding signs) and No. 56 O'Connell Street (four-storey corner building at Bachelors Walk) are both listed in the record of protected structures (refs: 330 & 6015). The site is also within the O'Connell Street Architectural Conservation Area and the Special Planning Control Scheme, 2009.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises the following main elements:
 - Replacement of existing 6.4m x 3.5m illuminated rotating billboard at first and second floor levels with a 6.2m x 3.8m LED digital billboard;
 - Remove and make good the existing Nokia sign at third and fourth floor level;
 - Both signs face south over the quays and O'Connell Bridge.

3.0 PLANNING HISTORY

Dublin City Council Reg. Ref: 2134/13 (PL29N.241936)

- 3.1 The Board issued a spilt decision on September 2013:
 - Granting permission for the removal of existing signage and supporting structures at first, second, third and fourth floor levels,

the refurbishment of elevations of the buildings and the improvement of the shopfronts including reinstatement of retractable awnings, and

- Refusing permission for a replacement LED illuminated sign due to its excessive scale and proportions, which were considered to detract from the character of the protected structure and neighbouring protected structures and the overall character of the O'Connell Street ACA.

Dublin City Council Reg. Ref: 0386/97 (PL29N.102694)

- 3.2 Permission granted by the Board for alterations to an existing advertising structure at No. 34 Bachelor's Walk.
- 3.3 Conditions retaining the crescent shaped sign only for a specified period of time were appealed and were upheld by the Board.

Dublin City Council Reg. Ref: 1018/96 (PL29N.101111)

- 3.4 The Board issued a split decision granting permission for the removal of the existing sign, making good of the façade and the erection of the crescent sign, and refusing permission for the erection of the illuminated window silhouettes.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- 4.1.1 Under the assessment of the application, it is noted that permission was granted in the place of the existing "Nokia" sign for a "Baileys" sign and this permission expired in May 2000. It is therefore considered that this structure, together with the existing prismatic sign at lower level, are unauthorised.
- 4.1.2 Reference is made to The Special Planning Control Scheme (SPCS), 2009 which designates the "Baileys" sign for removal stating that *"...its prominent location at the main entrance to O'Connell Street from the south city seriously detracts from the visual character of the area."*
- 4.1.3 The SPCS also sets out a number of development control standards for new signage. It is considered that the proposal for authorisation of a scrolling/ prismatic sign above ground level and on the façade of a protected structure would be contrary to the provisions of the SPCS.

- 4.1.4 The applicant refers to the Council policy of rationalising existing outdoor signage under the Outdoor Advertising Strategy (Appendix 27). However, the Case Planner states that the proposal relates to Zone 1 where all outdoor advertising is prohibited.
- 4.1.5 The Case Planner also concurs with the views of the Conservation Officer that the proposed electronic sign is highly visually intrusive and not a development that should be permitted on a protected structure.
- 4.1.6 It is concluded that the proposed development would contravene the suite of policy guidance and objectives relating to historic fabric, shop guidelines, the character of the O'Connell Street ACA and the more generalised Outdoor Advertising Strategy.

4.2 Planning Authority Decision

- 4.2.1 Dublin City Council issued notification of decision to refuse permission for the following reason:

“The proposed sign or advertisement structure, by reason of its excessive scale and proportions and location on the façade of a protected structure, would have an adverse visual impact and seriously detract from the character of the protected structure, of neighbouring listed structures and the overall character of the O’Connell Street Architectural Conservation Area (ACA) and would be contrary to the provisions and objectives of the O’Connell Street Architectural Conservation Area (ACA) and the Special Planning Control Scheme (September 2009), and the Outdoor Advertising Strategy (Appendix 27 of the Dublin City Development Plan 2011-2017). The proposed development would therefore, be contrary to the policies and objectives of Dublin City Development Plan 2011-2017 and the proper planning and sustainable development of the area.”

5.0 GROUNDS OF APPEAL

- 5.1 A first party appeal against the Council’s decision has been lodged on behalf of the applicant. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Buildings are long established for large illuminated advertising signs and this use dates back to 1963.
- Use for signage is a permissible use under the zoning objective.
- Proposal will remove signage completely from upper two floors and the 10 windows that are completely or partially obscured – this would be a major gain for these rooms apart from planning gain for the external elevation of this landmark corner building.
- Change in lower sign is essentially a change in technology – rather than 3 individual paper signs which rotate and are lit externally, new sign is digital and message and lighting is changed internally.
- Proposal accords with objective that *“any new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures.”*
- Development Plan provides for granting of permission in exceptional circumstances – this proposal with its volume of signage removed, is exceptional.
- It is stated in the Development Plan that *“illuminated signs in appropriate locations can provide both information and colour in the townscape after dark...”*
- Architectural Heritage Protection – Guidelines do not suggest a blanket ban on advertising signage in ACA’s. Development Plan also does not preclude or rule out granting planning permission for the proposed development.
- Only way to remove signage from this corner building is through the context of an application such as this. Reality is that these signs cannot be removed unless the owner agrees to do so and this application is an opportunity to have the larger sign removed.
- Assessment must have regard to the existence of existing signage which cannot be removed. Application to remove upper sign is consistent with an Objective in the Area of Special Planning Control Scheme.
- O’Connell Bridge area is not part of the Georgian area of Dublin City (Zone 1 – Outdoor Advertising Strategy). Case should be decided on its merits.

- A sign of this size and configuration has existed in this location for decades.
- New sign will appear as a marked improvement and pre-act established advertising location will be removed entirely and the area made good.
- Conservation Architect notes the positive aspects of the application in terms of its impact on the protected structure.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

- 6.1.1 In response to the first party appeal, the Planning Authority refers to the comprehensive planning report and wishes to advise that it has no further comments to make.

7.0 POLICY CONTEXT

- 7.1 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z5, (city centre) *“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”* Advertisement and advertising structures are *“open for consideration”* within this zone.
- 7.2 Buildings on the appeal site are protected structures (Ref’s: 330 & 6015), and are within the O’Connell Street Architectural Conservation Area and Special Planning Control Scheme, 2009.
- 7.3 The Council’s Outdoor Advertising Strategy is set out in Appendix 27 of the Development Plan.

8.0 NATIONAL GUIDELINES

Architectural Heritage Protection – Guidelines for Planning Authorities

- 8.1 These Guidelines set out development objectives for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or

technical interest, and for preserving the character of architectural conservation areas.

- 8.2 It is recognised that features and structures detrimental to the character of the area could include excessive traffic or intrusive traffic signage, advertising hoarding, inappropriate replacement windows and the like.

9.0 ASSESSMENT

- 9.1 Planning permission is sought for the removal of an illuminated sign (78.81 sq.m.) and supporting structures at third and fourth floor levels of No's. 34 Bachelors Walk and 56 O'Connell Street Lower (protected structures), together with the replacement of an existing prismatic sign at first and second floor level of No. 34 with a single LED illuminated sign (c. 23.5 sq.m.).
- 9.2 This application follows a recent split decision (PL29N.241936) at the site where the Board granted permission for the removal of all signage above ground level, together with the refurbishment of the elevations of the buildings and improvements to shopfronts including reinstatement of retractable awnings. It would appear that only the shopfront works have been completed to date.
- 9.3 Permission was also refused for a replacement LED illuminated sign that would have wrapped around the corner of No. 56 over the four upper storeys. The combined surface area of this sign would have been c. 68 sq.m. Within its decision, the Board acknowledged the potential planning gain from the removal of the existing signs and upgrade of this landmark building but considered that the proposed sign, by reason of its excessive scale and proportions, would seriously detract from the character of the protected structure and ACA.
- 9.4 Dublin City Council issued notification of decision to refuse permission for the current proposal and a first party appeal has been lodged on behalf of the applicant. Having considered the contents of the planning application, grounds of appeal and site context, I consider that this appeal should be assessed under the following:
- Development principle;
 - Impact on the character of the protected structure and ACA;
 - Impact on visual amenity.

Development principle

- 9.5 The appeal site is zoned Z5, where the objective is “*to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*” Advertisement and advertising structures are “*open for consideration*” within this zone.
- 9.6 There is an issue with respect to the planning status of the existing signage. Prior to the most recent application refused by the Board, permission was granted for alterations to the upper advertising structure on condition that the permission provides for the retention of a crescent shaped sign only until 31st May 2000, upon which the sign shall be removed.
- 9.7 This sign remained in place after the expiry date and there appears to be no evidence that planning permission was obtained for a subsequent period. Furthermore, it seems that no planning permission ever existed for the lower sign for which permission is now sought for its replacement.
- 9.8 There is a long history of signage attached to the upper floors of this building dating back to c. 1920’s when lettering was in place between the rows of windows that related to business contained within the building. In the 1950’s there was the emergence of signage on the upper part of the façade advertising products (“Bendigo” cigarettes) that were probably unrelated to the activities being undertaken within the building. Neon signage appeared at the location of the existing Nokia sign advertising “Harp” and “Guinness”. Prior to the Nokia signage, there was the “Baileys” sign, the subject of the permission which expired in May 2000. There is also photographic evidence to show the presence of neon signage (Cahills Car Rental Ltd) at the location of the existing lower sign.
- 9.9 The appellant makes the argument that signage on this building dates back to the establishment of the Local Government (Planning and Development) Act, 1963. It is also contended that the only way to remove signage from this corner building is through the context of an application such as this. It is unclear how long the existing signage is in place and whether or not it is unauthorised or pre-1963. Signage was in place at these positions on the façade around the 1960’s but it would appear that the structures themselves have since changed without the benefit of planning permission. It may also be the case that whilst the signs are unauthorised, a statute of limitation means that action cannot be taken against an unauthorised development after a seven year period has passed.

- 9.10 In my opinion, the signage structures on the building have materially changed since 1963 or have remained in place following expiry of planning permission. The Nokia sign now seems obsolete and it appears that the applicant is seeking a trade-off to facilitate the removal of this sign for permission for the lower sign. I would take the view that if the signs are considered unauthorised, any application should be treated as if it were made in the first place for new signage.

Impact on the character of the protected structure and ACA

- 9.11 Within the Council's reason for refusal, it is stated that proposed sign or advertisement structure would have an adverse visual impact and would seriously detract from the character of the protected structure and ACA by reason of its excessive scale and proportions.
- 9.12 The proposed LED illuminated sign at 23.5 sq.m. would be significantly reduced in scale from the sign that was previously refused permission by the Board (68 sq.m). Furthermore, the LED sign would replace an existing signage structure on a long established signage location notwithstanding the planning status of the structure.
- 9.13 A Special Planning Control Scheme for the O'Connell Street Architectural Conservation Area was adopted in 2009 and sets out development objectives for the preservation and enhancement of the O'Connell Street Area. There is a key objective in the Scheme relating to the control of advertisement structures and the exhibition of advertisements. Advertisement structures were examined with the view to evaluating *"the extent to which an advertisement structure obscures, interferes or damages the architectural feature of any structure that contributes to the character of the Architectural Conservation Area; the extent to which it interferes with the character of the Architectural Conservation Area by virtue of the prominence or importance of the location at which it is displayed - e.g. important entry points or gateways to the area; the relationship of the sign or structure to the uses operating within the building on which the structure is displayed; the scale, dimensions, composition, colours, materials and form of the sign/structure."*
- 9.14 Following this review, the Canberra Trivision Advertising Hoarding, first floor level, 34 Bachelors Walk, as well as the Baileys sign, 3rd – 5th floor level, 34 Bachelors Walk and 56 O'Connell Street were designated for removal. It was considered that the trivision hoarding bears *"no relationship to the building or to the area. The advertisement structure obscures part of the first-floor windows and*

detracts from the character of the building. Its prominent location at the main entrance to O'Connell Street from the south city seriously detracts from the visual character of the area."

- 9.15 In addition to the above, the Conservation Officer noted that *"this eighteenth century protected structure is located on possibly the most prominent corner of the city, flanking the vista of O'Connell Street and its landmark monument. It is covered with unsightly signage across most of its façade. Despite the application to reduce the overall signs, it is considered that to place any advertising screens, banners or signs of this nature on a protected structure is not development that should be permitted. The proposed electronic sign is highly visually intrusive."*
- 9.16 Having regard to the above, I would be in agreement that the proposed sign would have an adverse visual impact and would seriously detract from the character of the protected structure and ACA. It is stated in the Development Plan that when considering proposals for works to protected structures, attention should be paid to preserving the architectural features of special interest and to the scale, proportions, design and materials of such works in relation to the existing. The proposed sign will continue to obstruct views of the prominent façade of the protected structure and will interfere with the regular fenestration pattern on the upper floors of this building, which is repeated along the terrace. This sign and the obsolete sign above also adversely impact on the vertical and horizontal rhythm of the terrace and are unrelated in terms of use and positioning to their host buildings.
- 9.17 Finally, the architectural and historical significance of No's. 34 and 56 should be emphasised as the last remaining member of five original landmark grand pavilions dating from 1795 that faced north and south of O'Connell Bridge and addressed the river. The appearance of this building would be greatly enhanced through the removal of the signage.

Impact on visual amenity

- 9.18 In my opinion, the visual impact of the proposed sign should be assessed vis-a-vis the existing signage structure, in addition to the façade of the building. The Board might wish to consider the appearance of the proposed sign as a permanent fixture against the existing structures which could remain in situ for some time.
- 9.19 As noted by the applicant, the new sign is essentially a change in technology. The current sign comprises individual paper signs which rotate and are lit externally by a down light. This will be

replaced with a digital sign of similar size whereby messages are changed internally, as is the lighting of the sign. No other information is provided to assess the difference in appearance of the signage structures. It is noted that the new sign will have a brightness of 6,000 nits but there is no comparison with the existing sign.

- 9.20 In my opinion, the proposed sign will be significantly different and much more apparent than the existing sign. I inspected the existing sign before daylight and observed that the lighting is similar in terms of illumination to the room lighting behind. Whilst the sign obstructs the views of the protected structure, it does not dominate or attract the attention of pedestrians or motorists. On the other hand, I consider that the proposed sign will have a greater visual impact in terms of clarity, illumination, animation, etc. Increased attention would therefore be focused on the sign itself rather than the upper level of the building. It is often the case that the upper façade of buildings in the O'Connell Street ACA are better preserved than ground levels.
- 9.21 I would therefore conclude that the proposed sign will be overly dominant and visually obtrusive at this prominent location. Moreover, it is stated in the Development Plan that *“illuminated signs with the use of electronic visual display technology such as LED (Light Emitting Diode) and LCD (Liquid Crystal Display) will not generally be permitted.”*

Appropriate Assessment

- 9.22 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise

10.0 CONCLUSIONS AND RECOMMENDATION

- 10.1 Having considered the contents of the application, the provisions of the Development Plan, grounds of appeal and my assessment of the planning issues, I recommend a split decision in this case, (a) granting permission for the removal of existing signage and support structures, and (b) refusing permission for a new LED illuminated sign for the reasons and considerations set out hereunder:

REASONS AND CONSIDERATIONS (a)

It is considered that the removal of existing signage and support structures would, subject to compliance with the conditions set out below, be consistent with the O'Connell Street Architectural Conservation Area and Special Planning Control Scheme for the area, would be consistent with the overall improvement of the character of the Protected Structure and the visual amenities of the area and 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, 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. All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December, 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ and designed to cause minimum interference to the building facades.

Reason: To ensure that the integrity of the protected structure is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. The existing brick façade at number 34 Bachelors Walk, including painted brickwork, shall be restored to a brick pointed structure. Prior to commencement of the development, a qualified professional with specialised conservation expertise shall be engaged to assess, manage, monitor and implement the works on the site and to ensure that adequate protection of the retained and historic fabric during the works. The conservation expert shall submit a written report to the planning authority outlining these works, including timeframe and

commencement date for the written agreement of the planning authority.

Reason: To ensure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

REASONS AND CONSIDERATIONS (b)

It is considered that the proposed sign, by reason of its excessive scale and proportions, and potential illumination and animation, would be visually obtrusive and would seriously detract from the character of the Protected Structure, of neighbouring listed structures and the overall character of the O'Connell Street Architectural Conservation Area. The proposed development would, therefore, be contrary to the provisions of the O'Connell Street Architectural Conservation Area and to the proper planning and sustainable development of the area.

Donal Donnelly
Inspector

17th December 2015