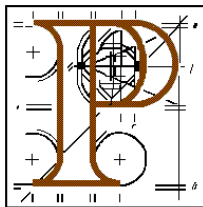


An Bord Pleanála



Inspector's Report

Development: Retention of two illuminated aluminium flag signs at 45-47 Henry Street, Dublin 1

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3226/15
Applicant: MNG Mango Ireland Ltd
Type of Application: Retention
Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): MNG Mango Ireland Ltd
Type of Appeal: 1st Party
Observers: None
Date of Site Inspection: 21/12/2015
Inspector: L. Dockery

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located on the northern side of Henry Street, Dublin 1. It is located approximately mid-way between Moore Street and Coles Lane. Henry Street is designated as a Category 1 retail street within the Dublin City Development Plan 2011 and is one of the premier shopping streets in the country.
- 1.2 The subject premises is currently occupied by Mango at ground and first floor levels. Existing signage includes a fascia sign, together with the two projecting flagpole signs which are the subject of this appeal.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is being sought to carry out works at 45-47 Henry Street, Dublin 1. The works, as per the submitted public notices comprise retention permission for 2 no. illuminated aluminium flag signs, each projecting circa 60cm, size 60cm x 60cm, located to a high level to the left and right of the entrance to Mango.

3.0 PLANNING AUTHORITY'S DECISION

- 3.1 Permission was REFUSED for one no. reason as follows:
 1. The development proposed for retention, by virtue of the provision of projecting signage on a Category 1 retail street located in a conservation area contrary to condition 3 of the parent permission for the shopfront, Reg. Ref. 2366/14 and is contrary to policy RD7 and Sections 17.25.2 and 17.25.3 of the Dublin City Development Plan 2011-2017 and consequently to the proper planning and sustainable development of the area.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's report generally reflects the decision of the Planning Authority.

Engineering Department, Drainage Division

No objections, subject to condition

5.0 APPEAL GROUNDS

5.1 The appeal submission may be summarised as follows:

- Outlines policies of Dublin City Development Plan 2011, together with planning history of the site
- Contends that there are a number of projecting flag signs in the immediate surrounding area, with which the existing signs are more than in keeping with
- Signage on Henry Street and Mary Street has become part of the character of the shopping district
- Shows examples of existing projecting signage along the street
- Cites example of Bord decision PL29N.223025 in support of their appeal
- Necessity to advertise business is a key consideration- believes that flag signs have a fundamentally important position to help generate business in the present economic condition
- Proposal is non-invasive and does not pose any deterrent to pedestrians

- Of a form and design which does not detract from or impinge upon the integrity of the elevational features of the building or the surrounding streetscape
- Proposed signage demonstrates a high degree of design

6.0 RESPONSES

6.1 A response was received from the planning authority which may be summarised as follows:

- Planner's report adequately sets out the position of the planning authority
- Not considered that the applicant has provided any additional information in their submission to the Bord that would make a robust case as to why the provision of two projecting signs at this location is compliant with the Development Plan
- With regards to precedent cited, this related to an advertising panel in the street, not projecting signage- considered that this is not similar to the nature of the subject development and therefore is not considered precedent
- With regards three premises referred to in appeal submission, no record can be found of a grant of permission for the projecting signs shown
- Cites examples of where grants of permission explicitly required the omission of the projecting elements
- Development Plan is very clear in terms of the importance of Category 1 retail streets and the general unacceptability of projecting signage, except in exceptional circumstances
- Subject site would not qualify as exceptional circumstances
- Considered that the granting of permission for such visual clutter would set an adverse precedent and would be contrary to the provision of the Development Plan and associated design guidance

7.0 OBSERVATIONS

None

8.0 PLANNING HISTORY

8.1 The most recent relevant histories pertaining to the site are as follows:

2366/14

Permission GRANTED for new shopfront. The elements the subjects of this application/appeal were applied for in this application and were explicitly required to be omitted under Condition No. 3as was worded as follows:

3. The proposed projecting signs and roller shutters shall be omitted from the permitted shopfront

REASON: In the interests of visual amenity and streetscape character and in accordance with the shopfront design guidance produced by the City Council

2644/13

Retention Permission REFUSED for signage for previous operator

There is stated to be an Enforcement Notice (E0440/15) relating to this unauthorised signage.

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative City Development Plan for the area.

Zoning

The site is covered by the 'Objective Z5' the objective for which is "to consolidate and facilitate the development of the central area, and to

identify, reinforce, strengthen and protect its civic design character and dignity”.

Henry Street is designated as an Architectural Conservation Area

Henry Street is designated as a Category 1 retail street.

PolicyRD7

To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote and seek the principles of good shopfront design as set out in Dublin City Council’s Shopfront Design guidelines.

10.0 ASSESSMENT

10.0.1 This application is assessed in terms of Development Plan policy and all other relevant Government Guidelines. The main issues pertaining to this appeal are:

1. Principle of proposed development
2. Impacts on amenity/character of the streetscape
3. Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is located on Henry Street, Dublin 1 within an area zoned to “to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”. This is a Category 1 retail street, designated as an Architectural Conservation Area within the operative City Development Plan. Advertising signage is acceptable in principle within this zone, subject to compliance with all other relevant matters.

10.2 IMPACTS ON AMENITY/CHARACTER OF STREETScape

10.2.1 The reason for refusal which issued from the planning authority stated that the development proposed for retention, by virtue of the provision of projecting signage on a Category 1 retail street, located in a conservation area, is contrary to condition 3 of the parent permission for the shopfront, Reg. Ref. 2366/14 and is contrary to Policy RD7 and Sections 17.25.2 and 17.25.3 of the Dublin City Development Plan 2011-2017 and consequently to the proper planning and sustainable development of the area.

10.2.2 Detailed guidance in relation to shopfront design and signage is available in Section 17.25 of the operative City Development Plan and is also contained within Shopfront Design Guidelines, produced by the City Council. I note that the subject site fronts onto Henry Street, one of the prime retail streets in the country. Henry Street is designated as a Category 1 retail street within the operative County Development Plan and is also designated as an Architectural Conservation Area. I acknowledge that many retail units along the street have similar type projecting signage, but it would appear that many of these signs do not have the benefit of a grant of planning permission. It is therefore not appropriate to use these unauthorised signs as precedent for the said development. I acknowledge the argument put forward by the appellant, in particular the reference to the free-standing advertising panel that is evident on Henry Street, permitted under Reg. Ref. 1469/07. This sign however, cannot be described as being similar to that proposed. It is a street mounted public information sign, that bears little resemblance to that proposed.

10.2.3 I note the policies of the Dublin City Development Plan in this regard, in particular Sections 17.25.2 and 17.25.3. These sections explicitly state that that in general, projecting signs will not be permitted in order to avoid clutter in the streetscape, except in exceptional circumstances where they may be considered appropriate by reason of the out-of-the-way location of the premises. As I have stated above, the subject

premises fronts onto Henry Street and cannot be described as being out-of-the way. I consider that having regard to the prominent position of the retail unit, mid-way down this Category 1 street that the permitted shopfront signage is adequate at this location. The retail unit is highly visible as one travels along Henry Street and I consider the projecting flag signs unnecessary at this location. I consider that if permitted at this location, they would add to the visual clutter of the street and would set an adverse precedent for further similar developments. The fact that Henry Street is designated as an Architectural Conservation Area further enhances this opinion.

10.2.4 I draw the attention of the Bord to the fact that the signs, the subject of this appeal, were explicitly omitted from Reg. Ref. 2366/14, under Condition No. 3. The exact wording of this condition is cited above.

11.0 CONCLUSION

11.1 Having addressed the matters arising I consider that the proposal is unacceptable for the reasons outlined above. The proposed signage is considered unnecessary at this location, considering its prominent position on a category 1 retail street in Dublin city centre. I consider that the proposed projecting signage would detract from the streetscape at this location; would have negative impacts on the designated architectural conservation area and if permitted, would set an undesirable precedent for further similar developments in the area.

11.2 Having regard to all of the above, I consider the proposed development unacceptable and inconsistent with the proper planning and sustainable development of the area.

12.0 RECOMMENDATION

In light of the above assessment, I recommend that the decision of the planning authority be UPHELD and that permission be REFUSED for

the proposed development based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

1. The proposed development which comprises two projecting flagpole signs are considered inappropriate and unnecessary at this prominent location on a Category 1 retail street, within a designated Architectural Conservation Area. The proposal is considered to be contrary to the provisions of the Dublin City Development Plan 2011 and if permitted would set an undesirable precedent for further similar developments in the vicinity. The proposal is therefore considered to be unacceptable and inconsistent with the proper planning and sustainable development of the area.

L. Dockery

Planning Inspector

21st December 2015