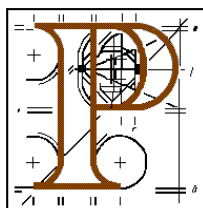


An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.245933

Development: Permission for erection of a free standing pole mounted sign to forecourt of the medical clinic at 44 Annville Park, Dundrum Road, Dubin 14.

Planning Application

Planning Authority: Dun Laoghaire- Rathdown County Council
Planning Authority Reg. Ref.: D15A/0640
Applicant: John and Jackie Conway
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): John and Jackie Conway
Type of Appeal: First Party
Observers: Russell and Deirdre Higgs
Date of Site Inspection: 8th March 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located at No. 44 Annville Park, Dundrum Road, Dublin 14. The site is within an established residential area and has a stated area of 0.0418 hectares.

The subject site currently comprises of a semi-detached two storey dwelling which has been extended to the side to facilitate a clinic. The clinic provides for a long established chiropodist's clinic.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises of the following:

- Free standing pole mounted sign in the front garden of the property which would be used for advertising the existing chiropodist's clinic at this location.
- The sign is proposed to be located within c.300mm of the front boundary wall and comprises of a double sided sign c.600mm high by 800mm with an overall size of 0.48m². The overall height of the structure as sought is 3.0 metres to the top of the sign and 3.5m to the top of the pole and lettering, logo and colour details are indicated in a drawing submitted with the application.
- **Drawings submitted with the appeal** reduce the size of the sign to c. 700mm x 500mm with an overall size of 0.35m². The overall height is reduced to c. 3m.

3.0 PLANNING HISTORY

Enforcement – ENF 28415

Non - compliance with Condition 8 of Reg. Ref. D11A/0368 – working hours.

PA D11A/0368/ ABP PL06D.239899

The Planning Authority and Board on appeal granted permission for retention of a paved forecourt with 3 No. parking spaces, alterations to vehicular entrance to Dundrum Road, pedestrian entrance and associated landscaping, permission for demolition of existing single storey clinic side

extension of 32 square metres, construction of two storey extension of 63 square metres to the side and rear of existing two storey building, realignment of back garden boundaries and widening of existing entrance.

PA D09A/0838/ ABP PL06D. 236698

Permission refused by Planning Authority and Board on appeal for 5 car parking spaces in the front garden, demolition of single storey clinic/side extension (32sq.m.) and construction of a replacement single storey clinic/extension (64sq.m.) to side and rear of 2-storey house, widening of vehicular entrance and realignment of back garden boundaries. Permission was refused by ABP for 2 reasons, which related to:

- Overdevelopment of a restricted site, serious injury to residential amenities of adjacent properties by way of traffic, parking and general disturbance; undesirable precedent; and contrary to Council policy for medical centres.
- Substandard private open space to serve the first floor 1-bed apartment.

PA D08A/1064

Permission refused for demolition of single storey clinic/side extension (32sq.m.), conversion of ground floor clinic store and first floor 1-bed apartment to original 3-bed house, construction of new 2-storey storey health centre (125sq.m.), widening of vehicular entrance and realignment of back garden boundaries. Permission refused for 3 reasons related to:

- Adverse impact on neighbouring residential amenities and substandard provision of private open space.
- Insufficient details provided to assess the proposal.
- Insufficient drainage details provided.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that one submission was received. It considered that the proposal would be contrary to Development Plan policy in relation to advertising. It also considered that the proposal would be contrary to the residential zoning objective.

4.2 Planning Authority Decision

Dun Laoghaire Rathdown County Council issued a notification of decision to refuse permission for one reason as follows:

1. The proposed erection of a free-standing pole mounted sign located to the front of an existing dwelling (extended to the side to facilitate a clinic) in an area zoned, 'Objective A – To protect and/or improve residential amenity' would contravene the Dun Laoghaire- Rathdown County Development Plan, 2010 – 2016 (Section 16.5.6), which states that, 'to protect the amenities and attractiveness of the county, no commercial advertising structure will be permitted...in residential areas'. The proposed development would, therefore, seriously injure the residential amenities of property in the vicinity and would thereby be contrary to the proper planning and sustainable development of the area.

5.0 GROUNDS OF APPEAL

A first party appeal against the Council's decision was submitted on behalf of John and Jackie Conway. The grounds of appeal and main points raised in the submission can be summarised as follows:

- There is a need for signage at this location.
- The size of the sign is under the exempted development limit.
- The planner's report contains no appraisal of the sign and simply relies at Section 16.5.6 of the Development Plan. The proposal should have been appraised and considered on its merits.
- There is a mix of residential, commercial and industrial uses in close proximity to the site.
- The sign has been designed to be modest in size and domestic in appearance.
- In order to address the observation submitted, the size and height of the sign has been reduced.
- To take account of the concern regarding noise from a swinging sign two options are offered to the Board to consider – a hanging sign restrained to prevent swinging or a non-hanging sign.

- It is not proposed to advertise any use other than chiropodist/podiatry.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

None.

6.2 Observations

A response has been submitted from Russel and Deirdre Higgs which can be summarised as follows:

- Annaville Park is zoned as a residential area and there is no other advertising structure in Annaville Park.
- The reductions in the size and height of the advertising structure are noted, however the proposed sign would detract from the visual amenity of the area and would lower the value of surrounding houses.
- Surgeries such as doctors and dentists in local residential areas only display small plaques for locational purposes and no other advertising structures.
- The sign would only be 11 metres away from our bedroom window.
- The implication that our comments were 'vexatious' is not correct.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2010 - 2016 is the operative County Development Plan for the area.

Zoning

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

Section 16.3.6 (ii) relates to signage.

8.0 ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

- Visual Impact

- Other Issues

Visual Impact

The key concern is whether or not an advertising sign of the type proposed is acceptable in a residential area or not. The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity.

While the general environs of the appeal site contain a significant number of retail and commercial properties, the section of the Dundrum Road on which the appeal site is located is, in my opinion, clearly residential in character and appearance. The dwelling on the appeal site forms half of a semi-detached dwelling with a chiropodist's clinic attached to the side. The appearance of the clinic is not visually obtrusive and it blends in with existing residential development in the area. It is advertised by two small discreet signs - one on the house itself and one on the front boundary railing. The residential properties on this section of the Dundrum Road have an attractive visual appearance and are well maintained. The chiropodist's clinic is the only non-residential use at this location. Overall therefore, while there is mix of uses in the wider area, I am of the view that the appearance and character of the appeal site and the immediate environs on this side of the Dundrum Road is residential in nature.

The scale of the sign proposed is relatively significant as a stand alone sign in a residential area with a total area of 0.48 sq. metres on each side and, as originally submitted to the Planning Authority for consideration, an overall height of 3.5 metres. It is noted that this height was reduced to a maximum of 3 metres and the size of the sign was reduced to 0.35 sq. metres in the drawings submitted with the appeal. The original submission to the Planning Authority raised a concern regarding noise from the swinging sign proposed however, I note that this concern was not repeated in the observation to the Board. The appeal to the Board addresses this concern as follows : 'To take account of the concern regarding noise from a swinging sign two options are offered to the Board to consider – a hanging sign restrained to prevent swinging or a non hanging sign.' I am of the view that the noise from the sign would have minimal impact on the residential amenities of adjoining dwellings.

Notwithstanding a reduction in overall height to 3 metres and a reduction in the size of the sign to 0.35 sq. metres, I would still have significant concerns regarding the scale of the sign proposed and its visual impact in the front garden of a dwelling in an established residential area. Whilst I note that the appeal states that the sign is 'not dissimilar to some house signs', I consider that house signs of this size and scale would be very unusual and the sign is more characteristic of the type of sign used in a retail or commercial environment. The width of the sign at 0.7 metres (reduced size in appeal drawings) overall would, in my opinion be such as

to be excessively visually prominent and out of character with the established residential character of the area. As such, I am of the view that the proposed signage would be contrary to the residential zoning and would not be in accordance with the policy set out in Section 16.5.6 of the Development Plan.

Other Issues

Parking

The observation refers to problems with parking in the area and the impacts of same on their residential amenities. It is stated that only three spaces have been provided which is contrary to condition 5 of PL06D.239899. On my site inspection, I noted that there are only 3 No. spaces within the curtilage of the development. This is an enforcement matter for the Planning Authority and is not a matter for the Board.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Conclusion and Recommendation

I am of the view that the signage proposed is not appropriate in an established residential area which is zoned as Objective A 'To protect and/or improve residential amenity' and that the design as proposed would be visually obtrusive, out of keeping with the established residential character of the area and is not acceptable. In view of the above, it is recommended that permission be refused for the proposed development based on the reasons and considerations set out below:

Reasons and Considerations:

1. Having regard to the design and scale of the proposed sign to the front of an existing dwelling within an established residential area, it is considered that the proposed development would be excessively visually prominent, such that it would be visually obtrusive and out of keeping with the established residential character of the immediate environs. The proposed development would therefore be contrary to the residential zoning objective of

the area and to the policy set out in Section 16.5.6 (ii) of the Development Plan and would seriously injure the residential amenities and depreciate the value of adjacent residential properties and would be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector
10th March 2016