

An Bord Pleanála



Inspector's Report

PL. 61 246172

DEVELOPMENT: Permission for retention of development consisting of two existing internally illuminated single raised letter signs on front facade.

LOCATION: 9-11 Prospect hill, Eyre Square, Galway.

PLANNING APPLICATION

Planning Authority: Galway City Council.
P. A. Reg. Ref: 15/322
Applicant: Rocco Stone Ltd.
Decision: Refuse Permission.

PLANNING APPEAL

Appellant: Rocco Stone Ltd.
Type of Appeal: First Party Against Decision to Refuse Permission.

Date of Site Inspection: April, 2016.

Inspector: Jane Dennehy.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site of the proposed development is a short distance to the north east of Eyre Square, (from which it is visible) on the north side of Prospect Hill in Galway City. The signage subject of the application is located on the front façade of a three storey building at which a licensed premises (McGettigans) is based. In addition to the proposed signage there are two logo signs at each end of the fascia over the ground floor. The ground floor façade has been altered to provide for a recessed covered space to each side of the entrance with four tables and seats and a flat television screen. A Café/Bar known as The Bentley was formerly based at the premises which was acquired by the applicant and refurbished, providing for the current use.

2.0 THE PROPOSED DEVELOPMENT.

- 2.1 The application lodged with the planning authority on 19th November, 2015 indicates proposals for permission for retention of steel frames with internally illuminated raised acrylic letters on the front facade on the shopfront fascia and above the first floor. The lettering is 5496 mm x 600 mm and a green colouring and shamrock symbol are shown on the plans. The application includes a signage survey of business premises in the vicinity.

3.0 PLANNING HISTORY:

- 3.1 **PL 61 241198/ P. A. Reg. Ref. 12/203:** The planning authority decision to refuse permission for signage on the front facade was upheld following a first party appeal for reasons of contravention with Section 11.6 of the development plan regarding signage at upper floor level, detracting from the streetscape and ACA injury to the visual amenities of properties in the vicinity and precedent.

P.A. Reg. Ref. 12/319: Permission was granted for retention of the signage for "The Bentley" (Details are shown on the survey drawings with the current application.)

P. A. Reg. Ref. 15/65: Permission was refused for alterations to recess the ground floor shopfront to provide a covered seating area and glazed guarding, back painted toughened glass cladding and hardwood reveals to the ground floor facade and new

internally illuminated single raised letter signage. Enforcement Notices were issued to the developer following erection of signage and the carrying of alterations.

The building on the site has an extensive planning history relating to development at premises most of which relates to proposals for change of use and associated alterations.

Details of a Declaration Request relating to alterations to the front façade referred to in the documentation on file are not available and there is no record of a Referral to the Board.

4.0 DECISION of the PLANNING AUTHORITY.

4.1 By order dated, 21st January, 2016, the planning officer decided to refuse permission for three reasons outlined in summary form below:

- 1 Due to the location in the Eyre Square ACA the proposed signage is contrary to Policy 7.2 of the development plan and adopted shopfront and signage design guidelines.
- 2 The sign between first and second floor windows proposed contravenes section 11.6 of the development plan and is injurious to visual amenity
- 3 The retention of the signs in combination with additional unauthorised works including two smaller logo signs and frontage works depreciate the character of the street and has unacceptable impact on the ACA.

5.0 THE APPEAL

5.1 An appeal was received from Manahan Planning on behalf of the applicants on 17th February, 2016. The appeal can be outlined as follows:

- When the applicants purchased the premises there were four signs on the front elevation, three in the fascia area and one over each of the three doors with a fourth at upper floor level which had been approved. The proposed

signage is neater and more presentable. The two signs at either end of the fascia are not excessive so permission for their retention was not sought.

- The Building which has been upgraded and which is not on the RPS is not within Eyre Square but an adjoining street. The proposed development should be assessed in light of this location at the edge of the ACA designated area and it does not injure the amenities of Eyre Square.
- There is no prohibition on signs at upper floor level on the facade. Section 11.6 of the development plan states that “in general” signage is not permitted on upper floors. The proposed signage at upper floor level replaces an approved sign.
- The two smaller logo signs should have been removed or will shortly be removed.
- The change to the front windows is a common feature for public houses and is subject of a section 5 declaration request. It does not depreciate the street scene in Prospect Hill.
- The applicant seems to create awareness of the McGettigan brand with the signage in addition to identifying the premises as it is part of a themed chain of entertainment venues.
- The building is in a commercial area where signage is accepted as appropriate to the street scheme. The signs and the building is more restrained than the myriad of signs in the vicinity. It is requested that the planning authority decision be overturned and that permission for retention be granted.

5.2 Observations of the Planning Authority.

A submission from the planning authority was received on 21st March, 2016 which includes an outline of the background and planning and enforcement history. According to the submission:

- The proposed signs and the logo signs were still in position on inspection on 4th March, 2016. Retention permission has not been sought.

- The previously permitted non-internally illuminated signage replaced signage previously permitted in 2004 (“CUBA”) with omission of proposed canopies. This is reinforced by the City Council Shopfront and signage design guidelines which good design principles are set out. Good design is very important for this site location to complement the character of the street.
- Retention of the proposed signage in combination with additional unauthorised works (two logo signs and shopfront alterations) is a significant deviation from the street scene character and the ACA. The proposed development in combination with the unauthorised development is contrary to Policy 7.2 of the Development Plan and the shopfront and signage design guidelines.
- It is requested that the decision of the planning authority be upheld.
- Permission (for retention) has been refused for other unauthorised signage in the ACA area and the refusal for signage at No 1 Prospect Hill was upheld by An Bord Pleanála.
- The contention that the current facade presentation is much better and more presentable is rejected the upper floor sign being particularly unacceptable. The ground floor sign could be acceptable if it is presented in a more restrained form. The previously permitted signage was more discrete at fascia level.

6.0 DEVELOPMENT PLAN.

6.1 The operative development plan is the Galway City Development Plan, 2011-2017 according to which the site location is:

- Within an area subject to the zoning objective: “CC: *To provide for city centre activities and particularly those which preserves the city centre as the dominant commercial area of the city*”.
- Inside the north eastern edge of the designated “Eyre Square Architectural Conservation Area” details and provisions for which are set out in section 7.2.
- It is the policy under section 11.6 “in general” not to permit signage on upper floors.

- The Shopfront and Signage Design Guidelines provides guidance for good signage and shopfront design and inappropriate development on protected structures and in the ACAs is discouraged. The recommendations include discouragement of upper floor signage. (A copy is on file.)

7.0 ASSESSMENT

- 7.1 The location within the area designated as the Eyre Square Architectural Conservation Area and the prior planning history for the building are taken into consideration in considering the proposed development and the appeal grounds. It is noted that the current application is confined to the proposed retention of the internally illuminated signs on the fascia and at upper floor level on the front façade although there is additional unauthorised development in place which has been referred to in the observations of the planning authority.
- 7.2 Although, as submitted in the appeal, the site location is at the edge of the ACA designated area, it is within the centre of the city and very close to Eyre Square the principle amenity and civic space from which it is visible along the streetscape that continues upslope in a north easterly direction. There is a varied building typology and mixed land-use in the vicinity and extensive signage and the planning status of some of this signage would appear to be unclear and possibly unauthorised. The planning authority's submission contains details of prior unsuccessful planning applications that are indicative of the efforts made to control inappropriate signage in the designated ACA area.
- 7.3 Notwithstanding the prior consent for individually mounted letter signage for "Bentleys" on the upper façade the proposed signage is not comparable. In contrast to the simple unrestrained mounted lettering for "Bentleys" the proposed signage is unacceptable on account of the strong bright colouring, the additional corporate shamrock symbol, the materials and the internal illumination. As a result the proposed signage is visually intrusive and incompatible with the policy objectives for the statutory Eyre Square Architectural Conservation Area by way of negative impact on the character of the built environment that the ACA designation seeks to protect and enhance. It is also not consistent with the recommendations within the *Shopfront and Signage Design Guidelines* published by Galway City Council especially sections 3, 4, 5 and 6. The proposed development is unacceptable, irrespective of any cumulative impact of the additional logo signage on the front elevation and other alterations.

7.4 It is agreed with the planning authority observations that there may be scope a more sympathetically designed signage on the fascia but the upper façade should be retained clear of signage, the encouragement of which is provided for in section 11.6 of the development plan and in section 4.1 of the Shopfront and Signage Design Guidelines published by Galway City Council.

7.5 **Appropriate Assessment Screening:**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

7.6 In view of the foregoing, it is recommended that the planning authority decision be upheld and that the appeal be rejected. A draft order is set out overleaf.

DECISION.

Refuse Permission for retention on the basis of the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS.

The site of the proposed development is located within the designated area of the Eyre Square Architectural Conservation Area which is a significant unified historic space at the centre of the city worthy of ACA status according to section 7.2 of the Galway City Development Plan, 2011-2017. It is considered that the two internally illuminated single raised letter signs on the front façade illumination which are visible in the streetscape from Eyre Square itself, in particular the sign on the upper façade, the strong bright colouring, the addition of a corporate shamrock symbol, the materials and the internal illumination are conspicuous and unsympathetic, out of character with and seriously injurious to the integrity of the Architectural Conservation Area and inconsistent with the recommendations set out in the Shopfront and Signage Design Guidelines published by the City Council. As a result the proposed development is in material conflict with section 7.2 of the Galway City Development Plan and is contrary to the proper planning and sustainable development of the area.

JANE DENNEHY.
Senior Planning Inspector
15th April, 2016.