

An Bord Pleanála



Inspector's Report

PL 29S.246247

Development

Retention of telecommunications equipment and associated cabinets at
76 Thomas Street, Dublin 8 (Protected Structure)

Planning Application

Planning Authority: Dublin City Council
Planning Authority Ref.: 4140/15
Applicant: Vodafone Ireland Ltd
Type of Application: Planning permission
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Vodafone Ireland Ltd
Type of Appeal: First v refusal
Observers: None
Date of Site Inspection: 16th May 2016
Inspector: Karla Mc Bride.

1.0 INTRODUCTION

1.1 Site and location

The appeal site is located along Thomas Street on the SW side of Dublin City and the surrounding area is characterised by a mix of retail and commercial uses. The appeal premises comprises a mid-terrace 4-storey building which is located close to the corner of Thomas Street and Francis Street. This former bank building is a designated Protected Structure (Ref. 8361). Photographs and maps describe the site and location in detail.

1.2 Proposed Development

Planning permission is being sought for the retention of tele-communications equipment located on the roof which comprises:

- Antennas and dishes mounted on support poles fixed to chimneys
- Associated rooftop equipment
- Associated equipment cabinets in the basement

The development will continue to form part of Vodafone Ireland Ltd's existing GSM/3G and 4G Broadband telecommunications networks.

1.3 Planning Authority's Decision

The Planning Authority decided to refuse planning permission for the proposed development for 1 reason which stated:

The telecommunications devices proposed for retention are visible from the public domain/ street level and are visually incongruous with the character of this Protected Structure. These devices have a detrimental impact on the decorative stone chimney stacks as well as the overall historic roofscape of Thomas Street. The proposed development, by itself and by the precedent it would set for similar undesirable development in the vicinity, would materially affect the integrity of the protected structure, would be contrary to the protection of a designated Protected Structure within the Thomas Street and Environs Architectural Conservation Area and contrary to the proper planning and sustainable development of the area.

This decision reflects the report of the City Planning Officer.

Conservation Officer: recommended refusal of permission

Roads, Traffic & Drainage Departments: no objections.

Public submissions: none received

Prescribed Bodies: application circulated but no submissions received

1.4 Planning history

No planning application history.

Warning Letter issued in 2015 in relation to the unauthorised erection of a telecommunications antennae on the roof of the appeal premises.

2.0 NATIONAL GUIDELINES

Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996

This document provides guidance for telecommunications installations and they provide advice in relation to design and siting, visual Impact, sharing facilities and clustering, and health and safety.

In the vicinity of larger towns ...operators should endeavour to locate in industrial estates or in industrially zoned land...The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts.....

In urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.....Only as a last resortshould free-standing masts be located in a residential area or beside schools.....

Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes,proximity to listed buildings, archaeological sites and other monuments should be avoided.

Circular PL07/12 - Telecommunications Antennae and Support Structures Guidelines

This document updates the 1996 Guidelines with no change to the information summarised above.

3.0 DEVELOPMENT PLAN

Zoning objective:

The site is located within an area zoned with the objective “Z5” in the 2011 to 2017 Dublin City Development Plan which seeks “To consolidate and facilitate the development of the central area, and to identify, re-enforce and strengthen and protect its civic design character and dignity.

Heritage:

- *Architectural Conservation Areas:* The site is located within the Thomas Street and Environs Architectural Conservation Area.
- *Protected Structures:* No.76 Thomas Street (Ref. 8361).

Telecommunications:

APPENDIX 18 – provides guidelines on telecommunications antennae and in relation to Visual Amenity

- Telecommunications antennae and support structures shall not detract from the special character and appearance of designated conservation areas or from the special artistic, architectural and historic interest of buildings listed for preservation and protection in the development plan.
- The location of antennae or support structures within any of these areas or in proximity to listed/protected buildings, archaeological sites and other monuments should be avoided.

Thomas Street and Environs ACA, 2009

Section 6.2.7 deals with Skyline Clutter:

Alarm Boxes, Electrical Wiring, TV Aerials and Satellite Dishes can have a particularly damaging effect on the streetscape quality and character of the historic realm and can lead to visual clutter. It is Council policy to not normally permit the placing of satellite dishes on front elevations or above ridgelines of properties within this ACA.

4.0 APPEAL

4.1 First Party appeal

- The site has accommodated telecommunications equipment for c.10 years (photographic evidence submitted) and the equipment provides for high levels of coverage at a strategic location for the city centre, including 3G and 4G coverage.
- The retention of the equipment at this site is vital in providing deep indoor coverage to the immediate area which includes major commercial and business uses.
- The visual impact is limited to the immediate surrounds of the site at street level to the W and S with limited visibility from the N and E, with no impact on the existing shopfront of the building.
- It would be impossible to heritage buildings and areas in a built up city centre location and the Telecommunication Guidelines do not recommend a blanket ban on the use of protected structures, and the Board has previously granted permission for such equipment on protected structures and within Architectural Conservation Areas.
- Not a permanent structure, other items along Thomas Street contribute much more to urban clutter than this equipment, there is no equipment on the façade, and cabling is not in view.
- No adverse visual impacts on the Thomas Street and Environs ACA, the report does not refer to telecommunications equipment although s.6.2.7 deals with skyline clutter including satellite dishes.
- Complies with national strategy, the 1996 Guidelines and Circular PL07/12 and Council Policy S158 for such equipment.

4.2 Planning Authority response

No response on file.

5.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are:

1. Principle of development
2. Visual impact and heritage
3. Residential amenity and health
4. Other issues

5.1 Principle of development

The development proposed for retention would be located within an area zoned “Z5” in the 2011 to 2017 Dublin City Development Plan which seeks “To consolidate and facilitate the development of the central area, and to identify, re-enforce and strengthen and protect its civic design character and dignity.” The proposed development comprises the retention of telecommunication equipment on the roof of a designated Protected Structure which is located within an Architectural Conservation Area. The development will continue to form part of Vodafone Ireland Ltd's existing GSM/3G and 4G Broadband telecommunications networks which is in line with national policy. However both national guidelines and local planning policy recommend that such equipment should not be sited on or close to heritage buildings or within architectural conservation areas.

5.2 Visual impact and heritage

The proposed development comprises the retention of telecommunication equipment on the roof of a designated Protected Structure which is located within the Thomas Street and Environs Architectural Conservation Area. The equipment comprises antennas and dishes mounted on support poles fixed to chimneys and associated rooftop equipment. As previously stated, there is presumption in national and local policy against the siting of telecommunications equipment on or close to Protected Structures or within Architectural Conservation Areas.

The equipment proposed for retention is positioned close to the front of the existing building which is located close to the corner with Francis Street. The equipment is highly visible from along Thomas Street to the E and W of the site, from along the S section of St. Augustine

Street to the S, and the N section of Francis Street to the SE. The development proposed for retention would have an adverse impact on the character and setting of the Protected Structure and the ACA within which it is situated, and it would have an adverse impact on the visual amenities of the area.

5.3 Residential amenity and health

The development proposed for retention would not be located in close proximity to any residential areas of a substantial size or to any schools or public buildings, and there would be no significant adverse impacts on residential amenity.

5.4 Other issues

Appropriate assessment: The proposed development would not have an adverse effect on any European Sites.

Financial contribution: Standard conditions should be applied in accordance with the Council's Section 48 Scheme.

6.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the development proposed for retention for the reasons and considerations set down below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the:

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996;
- Circular PL07/12 - Telecommunications Antennae and Support Structures Guidelines;
- The Dublin City Development Plan 2011-2017;
- The Thomas Street and Environs Architectural Conservation Area report, 2009; and

to the nature, scale and location of the telecommunications equipment proposed for retention to the fore of the existing building at no.76 Thomas Street which is a designated Protected Structure located within the Thomas Street and Environs Architectural Conservation Area, the development proposed for retention would be visible from the public domain at street level, and it would have an adverse impact on the character, setting and integrity of the protected structure and the ACA within which it is situated. The development proposed for retention would therefore be visually intrusive and it would set an undesirable precedent for similar future developments in the vicinity which would, therefore be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Planning Inspector

16th May 2016