



An
Bord
Pleanála

Inspector's Report PL29N.246723

Development	Retention of wall mounted internally illuminated external sign at Pantibar, 7/8 Capel Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2544/16
Applicant(s)	The Panty Bar
Type of Application	Retention
Planning Authority Decision	Refuse
Appellant(s)	1. The Panty Bar
Observer(s)	1. Gay and Lesbian Equality Network 2. Ivana Bacik 3. Cian O'Brien 4. Ciaran Cuffe 5. James McCormack 6. Lynda Mulvin 7. Counterpoint Arts 8. Frank McDonald 9. Niall Sweeney

Date of Site Inspection

09th September 2016 and
11th September 2016

Inspector

Lorraine Dockery

1.0 Site Location and Description

1.1. No.7/8 Capel Street is a prominent corner site, located on the eastern side of Capel Street, Dublin 1 at its junction with Strand Street. A number of Georgian and Victorian buildings are evident along this stretch of Capel Street. The premises, which is four storeys in height, is currently in use as a public house at ground floor level. An ornate, feature doorway frames the entrance to the public house. The signage proposed for retention is located on the front (west) elevation facing onto Capel Street, located at first floor level.

2.0 Proposed Development

2.1. The proposed development comprises the retention of a wall mounted internally illuminated external sign. The sign is attached to the front elevation of the premises at first floor level, close to the Strand Street junction. The subject sign measures a stated 3.5 metres in height x 0.58 metres in width x 0.3 metres in depth. The sign comprises a black powder coated aluminium base panel with individual lettering mounted thereon, attached to the building by two brackets. The lettering is constructed from red acrylic Perspex with white Perspex domes superimposed to create a bulb effect and is internally illuminated by white LED. The lettering measures 370mm high by 100mm deep and displays the name of the public house 'Pantibar'.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for 1 no. reason as follows:

1. Having regard to the site's prominent location in an Architectural Conservation Area and in the central shopping core on a Category 2 shopping street, it is considered that the proposed sign to be retained by reasons of its projecting nature, size and scale in conjunction with its location above street level and its

use of inappropriate materials and lighting would impact adversely on the character and integrity of the area, significantly detract from the visual amenities of the area and set an undesirable precedent for similar development in this area. The proposed development would therefore be contrary to Dublin City Development Plan 2011-2017 Policies RD7 (Shopfront/Shopfront Design), FC41 (Architectural Conservation Areas) and Appendix 27 (illuminated signage), and contrary to the City Council's 'Shopfront Design Guide'2001 which seek to protect the vitality, viability and visual amenities of the built heritage of the city. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.3. The report of the area planner reflects the decision of the planning authority

3.4. **Other Technical Reports**

Engineering Department, Drainage Division: No objections, subject to condition

4.0 **Planning History**

4.1. The most recent relevant history is as follows:

2212/07

Permission GRANTED for change of use from public house to licensed premises

3154/99

Permission GRANTED for fascia signage with backlighting

1078/98

Permission GRANTED for change of use from retail to public house

5.0 Development Plan

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

Zoning

'Z5'- which seeks to 'consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'

The site is located within the Capel Street & Environs Architectural Conservation Area (ACA).

Section 8.2.6 of the Capel Street ACA sets out details for signage/advertising structures in the ACA and states that signage for ground floor units should be contained within fascia boards; use of internally illuminated signage shall not be permitted; daytime appearance of illuminated signage should be considered and illuminated signage with use of LED will generally not be permitted

The site is also located:

- within a Key View & Prospect (Figure 4 Dublin City Development Plan)
- on a Secondary Strategic Pedestrian Route (Figures 5 and 8 Dublin City Development Plan)
- on a Category 2 Shopping Street (Figure 18 Dublin City Development Plan)

Section 7.2.5.3 Protection of the special character of city's conservation areas

Section 7.2.5.4 Capel Street identified as key historic street

Section 7.25.3 Signs of Shopfront and Other Business Premises

Appendix 27 Guidelines for Illuminated Signs

NIAH Buildings of Ireland

Pantibar, 7/8 Capel Street, Great Strand Street, Dublin 1 (Ref. 50010367)

Regional Rating considered to be of Architectural and Artistic Interest

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Refers to previous Bord decision PL29N.245646 in relation to signage on Gardiner Street
- Considers that the proposed development will not detract or interfere with views of City hall
- The character and special interests of the subject building is perfectly represented by the well designed and well crafted signage- neither modest nor outrageous in its form or materials- its well with Capel Street milieu, which is diverse and innovative- adds to the character and integrity of the area
- Building itself is of little importance architecturally and as such signage does not compromise its design or materials
- The sign, while tall is slender and close to the building and as such is not a visually discordant feature in the street
- Materials have been carefully chosen and sign reflects vibrant theatre culture as well as classic dot-work of traditional Irish illuminated illustrations and typography- designated by Niall Sweeney, one of the greatest graphic designers in the country and was handcrafted by local Dublin craftsmen- submits that sign is worthy of exceptional classification and should be considered in terms of the statutory Development Plan for the area

- Considers that subject signage complies with many policies of the operative City Development Plan
- Pantibar is considered a place of cultural, social and artistic merit and the sign reflects the artistic endeavours and extraordinary activities of the unique entertainment provided on the premises
- Considers that the that there would be little or no visual intrusion due to its design, dimensions or location- the general receiving environment will not be in any way compromised by the inclusion of the sign or would any view be compromised
- Sign has no negligible effect on view to City Hall and as such there is no need for mitigation measures.
- Sign contributes to the artistic, social and cultural significance of the building, but does not have an adverse visual impact on the building or street and would not seriously detract from the character of the conservation area by reason of its modern appearance, scale, proportions and positioning
- Submits that the sign should be allowed remain in situ, in view of the contribution of what the building stands for in relation to the history of the State- submits that historical significance of sign will increase over time- sign replaces a Carlsberg sign which was attached to the building for many years
- Pantibar is a lot more than a bar- signage announces a unique theatre gay bar venue where the now world renown Rory O'Neill puts on his drag and burlesque shows throughout the year- venue is an important tourist attraction and the street signage is part of the overall iconic and recognisable design logo marketed worldwide
- A number of images have been included with the appeal submission, together with an addendum submission on headed paper from Pierce Tynan

6.2. Planning Authority Response

None

6.3. Other Party Responses

None

6.4. Observations

6.5. Many similar themes are contained within the observations received, which may be summarised as follows:

- Support retention of subject signage
- Of significant artistic, social and cultural merit- considered to be a local monument marking with clear confidence a socially accepting and demographically diverse space in inner city Dublin- a statement on the importance of equality in modern Ireland
- Visual icon for north inner city, with particular meaning in the context of the 2015 marriage equality referendum- sign has assumed an importance that goes beyond the mere physical design and placement of signage
- Designed by internationally renowned designer, Niall Sweeney and was handcrafted in Dublin using high quality materials- designer has been commissioned by organisations such as IMMA Dublin, MoMA New York, Whitechapel Gallery London, Jameson Whiskey, Sheridans Cheesemongers and The Cake Café- designs not only promotes and advertises but also celebrates and embraces the markets and communities they serve- in terms of signage, any current 'old favourite' was once a contemporary upstart and they speak of their time
- A petition, with the names of a stated 19,328 persons has been included with the observation of Niall Sweeney supporting the retention of the Pantibar sign.

- A visual amenity, a tourist attraction and a noteworthy addition to the streetscape at this location- sign complements existing building
- Countless examples of building signage across the city which have contributed to the specific architectural character of the city
- Distinctive character of Capel Street owes much to its chaotic mix of signage, street furniture, lighting and planting- alternative shops and ethnic eateries- many existing examples of projecting signage on Capel Street
- Prized example of modern, architecturally appropriate and visually delightful intervention into the surrounding urban fabric- very few notable signs and painted shopfront signage retained in the city
- Outlines importance of retaining the variety and design street signage in our city as a matter of historic record for the social character of each district- sign can be easily removed so its reversible nature is noted and the status quo can be returned at any stage
- Queries how planning should respond to a radically changed, multi-cultural and diverse Ireland and states that the planning must respond positively to the complexity and difference that is essential to successful cities- outlines the role of gay bars across the world and cites example of Stonewall Inn, New York- gives examples of large archways or gateways marking many Chinatowns throughout the world- considers Pantibar to have national significance

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of proposed development
- Impacts on amenity
- Appropriate Assessment

7.2 Principle of Proposed Development

7.2.1 The subject site is located on Capel 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 2 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.

7.3 Impacts on Amenity

7.3.1 The proposal provides for the retention of a wall mounted internally illuminated external sign on the front elevation of 7/8 Capel Street, Dublin 1 advertising the presence of Pantibar, a public house and theatre venue. It is a vertical sign, 3.5 metres in height attached to the building at first floor level. The sign comprises a black powder-coated aluminium base panel with the letting comprising of acrylic Perspex with white Perspex domes, superimposed to create a bulb effect. It is stated that the typeface takes its cue from theatrical ‘Tivoli light’ signage.

7.3.2 The proposed development was refused permission by the planning authority for one reason. To summarise, this related to the nature, size and scale of the subject signage, together with its location above street level and its use of inappropriate materials and lighting was such that it would adversely impact on the character and

integrity of the area; would significantly detract from visual amenities and would set an undesirable precedent. The proposal was considered contrary to the policies of the operative City Development Plan and to the proper planning and sustainable development of the area.

7.3.3 Firstly, I acknowledge the numerous designations pertaining to Capel Street. Within the operative City Development Plan, it is identified as an Architectural Conservation Area; a Category 2 Shopping Street; a Secondary Strategic Pedestrian Route and there are policies to preserve key views and prospects from the north of Capel Street towards City Hall. All of these designations are considered reasonable. In assessing this appeal, I consider that the diversity of Capel Street must be acknowledged. It is located within the heart of the city yet is very different in character and atmosphere to other nearby streets like Henry Street and Parliament Street. Its uses are as diverse as its occupants. Hardware shops, charity shops, cafes, phone repair shops, banks, bars, ethnic foodstores, upholstery shops, pawn shops, pet shops and adult shops are all located within a relatively small stretch. Pantibar forms one of these such uses. The signage associated with these uses is as diverse as the uses themselves. Much of it is poor quality, presumably unauthorised but there are some exceptions. The view of this wide array of signage, bunting, canopies and flagpoles is most evident as one stands at the top of Capel Street looking south towards City Hall. I note that this is identified as a Key View & Prospect within the Dublin City Development Plan. The Pantibar sign is evident at this point, but it cannot be said in itself, to detract from the view of City Hall. When viewed from the north looking south, the subject sign is largely obscured by the blue 'Sounds Around' sign located on the adjoining premises. It is my opinion that the sign is more prominent when viewed from the south looking north from Parliament Street. It is not unduly visible when viewed from the steps of City Hall. Due to the internal illumination, it is also obviously more prominent and visible at night when lit than during daylight hours. I concur with the opinion of the NIAH Buildings of Ireland report that the subject premises frames an important vista to the south on axis with

City Hall. All the existing signage along the street cumulatively has an impact on this view. I consider that the main difference between the subject signage for retention and much of the remaining signage along Capel Street, is that this Pantibar sign is of a high quality design and materials, with the credentials of the designer Niall Sweeney having been cited above. I note the references made to other memorable signs throughout the city. These are not generic, corporate signs that can be seen in most cities throughout the world often advertising the wares of multi-national companies. They are one-off signs that give a sense of place and a sense of identity to the city and are often unique to Dublin. Signs like 'I am Bald', off South George's Street have been cited as an example of such signage. It has been argued that the subject sign may in time become one of these such iconic signs, giving a sense of identity to this area of the city, becoming a landmark in itself.

7.3.4 I note the concerns of the planning authority relating to the impacts that the proposed signage may have on the character and integrity of the area. These concerns are generally considered reasonable. However, in this instance I note that the building to which the subject sign is attached is not designated as a Protected Structure within the operative City Development Plan. No.s 7/8 Capel Street are considered to have regional importance, being of architectural and artistic interest in the NIAH Buildings of Ireland Survey. No other special designations pertain to the site. I note that the subject signage is attached to the building by two brackets. It would appear to me that the sign could be easily removed from the building at any stage in the future without detriment to the integrity of the structure. It is therefore considered to be a reversible addition to the building and the streetscape. I also note that the Baxendales lettering above the doorway, which is stated not to be original to the building, has been preserved in situ.

7.3.5 I note the policies relating to signage/advertising structures contained within Section 8.2.6 of the Capel Street & Environs ACA. This Section states that the use of any internally illuminated sign shall not be permitted except in exceptional circumstances. In terms of illumination, considering the city centre location of the site and the low

level of illumination proposed, I consider it to be acceptable in this instance and would not detract from the amenity of the area to such a level as to warrant a refusal of permission. It has been put forward in many of the submissions received that the subject sign should be considered to be of exceptional circumstance in light of the recent Marriage Equality Referendum 2015 and the role that the subject premises and its owner Rory O'Neill played in this. Many argue that the subject sign and the premises to which it is attached represents social change in Ireland and I would not disagree with this. I also refer the Bord to Section 8.2.8 of the Capel Street & Environs ACA which states that excellence in contemporary architecture including excellence and innovation in shopfront design shall be encouraged. The subject sign, by nature of its design, style and materials is considered to be of high quality and a positive addition to the streetscape at this location.

7.3.6 To conclude, I accept that projecting signage in our towns and cities is often unnecessary; adds to the visual clutter of the street and detracts from the amenity of the area. However, in this instance I consider that a case can be made for the retention of the subject signage. Capel Street is one of the most vibrant streets in the city centre, with this vibrancy created by an ad hoc, dynamic mix of uses and their associated signage. It is my opinion that the impact of the subject signage on the view south towards City Hall is not so great as to warrant of refusal of permission. I accept the NIAH Buildings of Ireland report that the subject structure is of regional importance, but note that it is not designated as a Protected Structure within the operative Development Plan. I note that the subject sign is attached by two brackets, which may be easily removed at any stage in the future without detriment to the character or integrity of the structure. I note the contemporary, high quality design of the sign. I note its bespoke design, its uniqueness which may in time give a sense of place and identity to the area and I consider it to be a noteworthy addition to the streetscape at this location. For these reasons, I consider that the proposed signage for retention would not set a precedent in the vicinity. I also note the arguments put forward in relation to the social, historical and cultural

significance of the premises. Having regard to all of the above, I consider the proposed signage to be acceptable in this instance and in accordance with the proper planning and sustainable development of the area.

7.4 APPROPRIATE ASSESSMENT

7.4.1 The subject site is located in an established city centre location and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the 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.

8.0 Recommendation

8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, materials, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not detract from the Capel Street & Environs ACA and would not set a precedent for further signage in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

REASON: To protect the visual amenities of the area.

Lorraine Dockery
Planning Inspector

12th September 2016