



An
Bord
Pleanála

Inspector's Report PL29N.247705

Development	Retention of illuminated fascia signage board and window graphics to front elevation of shop unit.
Location	Units FM6A and FM6B, Finglas Village Centre, Finglas, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3437/16
Applicant(s)	Poundland Ltd. T/A Dealz
Type of Application	Retention permission
Planning Authority Decision	Refuse retention permission
Type of Appeal	First Party
Appellant(s)	Poundland Ltd. T/A Dealz
Observer(s)	None
Date of Site Inspection	9 th February 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located within Finglas Village Centre on Jamestown Road approximately 5km north-west of Dublin City Centre. Finglas Village Centre comprises an “L” shaped building with ground floor shops and office space above. There is car parking to the front and a canopy continues over a walkway to provide covered access to the shops. There are 12 no. ground floor units in the complex occupied by a mix of convenience, comparison and retail service uses. The appeal site is the anchor unit within the corner of the complex occupied by Dealz.
- 1.2. The unit has a stated floor area of 1,096 sq.m. There is a frontage of approximately 16m facing north-west onto the car park with the remainder fronting onto a lobby located between the subject unit and the unit to the north-west. There are two access points to the shop to the south and at the corner with the lobby.
- 1.3. A fascia sign has been erected over the corner access point at an angle to the main fascia sign. This sign is 2.45m wide and 0.5m high. Window graphics have also been applied to each of the window panes to the front. The southern-most pane is completely covered and the remaining panes have graphics up to a height of approximately 1.2m. The overall height of each window pane is 2.05m.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of existing signage to the front elevation comprising of the following:
 - Illuminated fascia signage board,
 - Window graphics.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council refused permission for the retention of the signage for two reasons. Under the first reason, it is stated that the illuminated signage boards do not form part of the fascia board of the shopfront, and this is contrary to the development standards of the Development Plan for signs for shopfronts.

3.1.2. The second reason for refusal states that the window graphics, by reason of the extent of coverage of the shop front window, the excessive use of corporate signage, and the obscuring of views into the shop are seriously injurious to the amenities of the area and contrary to a condition of Reg. Ref: 3615/12.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse retention permission as outlined in the final Planner's Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application within the initial Planner's Report, it is acknowledged that the signage proposed for retention is broadly the same as that granted under Reg. Ref: 3615/12 but this cannot be confirmed, as no signage details have been submitted with the planning application. It is also noted that canopy fascia signage is shown on part of the shopping centre that does not form part of the shopfront.
- 3.2.3. A significant proportion of the shop window is obscured by vinyl advertisement and Condition 3 of Reg. Ref: 3615/12 states that glazing to the shopfront shall be kept free from all stickers, posters and advertisements.
- 3.2.4. Further information was sought from the applicant on the means and extent of illumination of signage and materials used and how it differs from that granted under Reg. Ref: 3615/12.
- 3.2.5. The plans submitted with the further information response make the development clearer to the Planning Authority. It is stated that the premises appears to have been extended since the 2012 application and further fascia signage is required. The illuminated fascia signage appears to be incorrectly referenced and is to be on part of the shopping centre that does not form part of the shop front. It is stated in the Development Plan (Section 16.24.3) that signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront.
- 3.2.6. Permission for the retention of the window graphics should also be refused as being contrary to Condition 3 of Reg. Ref: 3615/12 and Policy RD15 of the Development Plan.

4.0 Planning History

Appeal site

- 4.1. Permission granted in March 2013 (Reg. Ref: 3615/12) for development described as the erection of fascia signage with illuminated lettering and erection of sign to canopy with foamex and vinyl lettering, all to north-west elevation.
- 4.2. Condition 3 attached to this decision stated that *“a window display shall be maintained at all times, and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements”*.

Other

- 4.3. The Board refused permission to Poundland t/a Dealz for the retention of fascia signage, window manifestations and a projecting sign in July 2015 at No's. 44-45 Moore Mall, Illac Shopping Centre, Moore Street, Dublin 1 (PL29N.244819).
- 4.4. In its reason for refusal, the Board referred to the planning history of the site; its location on a Category 2 street; the cumulative visual impact of the various elements of the development; and to Policy RD7 of the Development Plan, which requires *‘a high quality of design and finish for new and replacement shopfronts, signage and advertising’*. It was considered that the development proposed for retention would be visually obtrusive in terms of materials, colour, and lighting, would seriously injure the amenities of this Category 2 Retail Street and would set an undesirable precedent for other similar forms of development.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The site is zoned “Z4” where the objective is *“to provide for and improve mixed-services facilities.”* Neighbourhood and district shops are permissible uses under this category and advertisements and advertisement structures are open for consideration. The site is also within the Finglas “Key District Centre”.
- 5.1.2. Policies and objectives for retailing are included in Chapter 7 of the Development Plan. The Policy RD17 seeks *“to promote active uses at street level on the principal shopping streets in the city centre retail core and in Z4 district centres and having*

regard to the criteria for Category 1 and Category 2 streets and Special Areas of Planning Control.”

5.1.3. Development Standards are set out in Chapter 16 where it is recognised that shop fronts are one of the most important elements in defining the character, quality, and image of the streets in both the city centre and our urban villages/radial streets. The following is stated with respect to signs on shop fronts and other business premises:

- *The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront. The lettering employed should be either on the fascia, or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.*
- *Signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.*
- *Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.*
- *Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevational features of the building.*
- *Shopfronts sponsored by commercial brands will generally not be permitted.*
- *Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council’s Shopfront Design Guide, 2001 and the O’Connell Street Area Shopfront Design Guidelines, 2003, where appropriate www.dublincity.ie.*
- *All proposals for shopfronts shall have regard to the guidelines for illuminated signs as set out in the Appendices in this plan.*

5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay and River Tolka Estuary SPA is located approximately 5.7km to the south-east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged on behalf of the applicant against the Council's decision. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Illuminated fascia sign is to the left of the main shopfront, above the access to an internal lobby, which leads to a second access.
- Reg. Ref: 3615/12 permitted illuminated fascia signage on the shopfront and non-illuminated signage on the projecting canopy feature, which provides shelter around the entire centre.
- Purpose of the sign is to guide shoppers into an internal lobby area, where they can access the store.
- Council allowed signage on the canopy, as well as the fascia board because it is an accepted location for signage in the wider centre.
- Signage to be retained is compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.
- Relevant sign is largely obscured by more prominent, neighbouring shopfront and the overhanging canopy.
- Sign is in shadow and in need of illumination and is a continuation of façade signage either side of it.
- Strict application of the signage guidance is not appropriate in this case.
- Window graphics cover approximately the bottom two thirds of the window and the full height of the right-most window to obscure a chiller cabinet.

- Graphics cover the chiller and the rear of retail shelving units which would otherwise be a rather dull window display.
- Condition 3 of Reg. Ref: 3615/12 is silent as to the form that the window display should take and there is no restriction on the placement of shelving within the unit - this has been controlled in other cases.
- Practical implications would be the removal of the window graphics only – Planning Authority cannot force the removal of the shelves or the chiller cabinet.
- Graphics do not obscure views into the retail unit as, for the most part, they stop below eye level.
- Dealz business contributes positively to the vibrancy of the centre and cannot be accused of creating a dead frontage, even with the window graphics in place.

6.2. Planning Authority Response

6.2.1. No response

7.0 Assessment

7.1. This is a first party appeal against the Council's notification of decision to refuse planning permission for the retention of an illuminated fascia sign and window graphics to a "Dealz" retail unit located within Finglas Village Centre. The fascia signage and window advertising is addressed separately below.

Fascia Board

7.2. This structure has been erected at an angle to the main fascia signage over a lobby area/ access corridor between the subject unit and the neighbouring unit to the north-west. It comprises a fascia sign with dimensions of 2.45m wide and 0.5m high, illuminated internally and containing corporate branding similar to the adjoining fascia sign on the main frontage.

7.3. Under the first reason for refusal, it is highlighted that the fascia sign does not form part of the fascia board of the shopfront and is therefore contrary to the development

standards of the Development Plan for signs and shopfronts. In this regard, it is stated in Section 16.24.3 that *“the signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront.”*

- 7.4. The first party appellant submits that the purpose of the sign is to guide shoppers into an internal lobby area that provides access to the shop. It is contended that the subject sign is obscured by the overhanging canopy and is therefore in need of illumination. The appellant also considers that the signage is compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.
- 7.5. I would be in agreement with the appellant that the sign could be seen as a continuation of façade signage on either side. The sign essentially bridges the corner between pre-existing main “Dealz” fascia signage and the signage to the adjacent unit. The frontage of the “Dealz” unit is somewhat unusual in that approximately half is on public view, with the remaining half facing onto an internal lobby. There is an access to the shop unit at the corner and I would be satisfied that signage helps to emphasize this location as a focal point. Whilst I acknowledge the development standard that signage should be contained within the fascia board of the shopfront, in this case the sign is a continuation of the fascia and approximately half the shop floor area is located directly behind the sign in question.
- 7.6. I also concur that the sign is compatible with its surroundings and sympathetic to its immediate location, and having regard to the site specific context, I consider that the illuminated fascia sign is acceptable in this case.

Window Graphics

- 7.7. Window graphics advertising price and company slogans have been applied to each window pane of the shopfront facing onto the public car park. The southern-most window pane to the right hand side of the shop entrance is completely covered, as are the bottom 1.2m of the remaining four window panes that can be viewed from outside the building to the front.
- 7.8. It is stated in the second reason for refusal that the window graphics, *“...by reason of the extent of the coverage of the shop window; the excessive use of corporate signage; and the resultant obscuring of views into the shop, are seriously injurious to the visual amenities of the area...”*. The window graphics are also considered to be

contrary to Condition 3 of Reg. Ref: 3615/12 which stated that the window display shall be kept free of all stickers, posters and advertisements. This permission was granted in March 2013 for the erection of the main fascia signage and signage to the canopy.

- 7.9. The first party appellant submits that window graphics conceal views of the rear of a chiller and shelving units located internally. It is highlighted that Condition 3 of Reg. Ref: 3615/12 remains silent as to the form of window display and no restriction has been applied to the placement of shelving within the unit. Thus, the practical implications would be the removal of the window graphics only as the Planning Authority cannot force the removal of the shelves or chiller cabinet.
- 7.10. It should be noted that the appeal site is within the Finglas Key District Centre and it is a general development principle for these areas to create vibrant retail and commercial cores with animated streetscapes. Furthermore, Section 16.24.3 of the Development Plan states that *“signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.”*
- 7.11. The appellant highlights that, for the most part, the window graphics stop below eye level and therefore do not obscure views into the shop unit. However, the majority of the glazing to the shopfront is covered and this severely limits the degree of internal movement and animation that can be viewed from the public area to the front. Moreover, the graphics have the effect of drawing attention away from the inside of the shop and onto the information contained on the graphics themselves. I would therefore be of the opinion that the graphics have a negative impact on the vibrancy of the shopping centre.
- 7.12. The removal of the graphics may have the effect of revealing unsightly shelving to the public. It should be noted, however, that Condition 3 also requires that a window display shall be maintained at all times. As stated within the Shopfront Design Guidelines, 2001, *“...contemporary shopfronts often emphasise the interior of the shop, making it visually significant from the street. If this is the case, the design of the interior becomes an important consideration in assessing the shopfront.”* In my opinion, the rear view of shop shelving would not be considered as an appropriate window display and therefore some internal reorganisation, together with the

removal of the window graphics, would be required to comply with the requirements of Condition 3.

8.0 Recommendation

- 8.1. I recommend a split decision in this case (a) granting permission for the retention of the illuminated fascia sign and (b) refusing permission for the retention of the window graphics for the reasons and considerations as set out below.

9.0 (a) Reasons and Considerations

Having regard to the pattern of development in the area and the proposal to provide suitable fascia signage appropriate to the internal layout of the shop unit, it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the visual amenities of the area or of property in the vicinity, and would be compatible with the character of the building and adjoining buildings. The development to be retained 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, as amended by further plans and particulars submitted to the Planning Authority on the 17th day of October 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity.

2. Notwithstanding the provisions of the Planning & Development Regulations 2001 - 2010, no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior

grant of planning permission.

Reason: In the interests of visual amenity.

3. A window display shall be maintained at all times, and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

Reason: In the interests of visual amenity.

11.0 (b) Reasons and Considerations

Having regard to the recent planning history of this site, to the location of the development proposed for retention within a Key District Centre and to the development standards of the Dublin City Development Plan, 2016-2022, it is considered that the development proposed for retention would obscure views into the shop and create dead frontage onto a public area within a Key District Centre, where it is a general development principle to create a vibrant retail and commercial core with animated streetscapes. The development would create an undesirable precedent for other similar forms of development, would be contrary to the provisions of the said Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

27th February 2017