



An  
Bord  
Pleanála

## Inspector's Report PL 29S 249286.

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<b>Development</b>	Replacement of 5 no 48 sheet illuminated static advertising displays with two no 96 sheet (12.5 m wide x 3.35 m high) and demolition of portion of east boundary wall and construction of new 1.5 m high brick wall on eastern boundary and suit works.
<b>Location</b>	1 Mountpleasant Square, Ranelagh Road, Dublin 6. (Protected Structure.)
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	3308/17.
<b>Applicant</b>	J. C. Decaux Ireland Ltd.,
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	J. C. Decaux Ireland Ltd.,
<b>Date of Site Inspection</b>	29 <sup>th</sup> December, 2017.
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 365.5 square metres and comprises the greater part of the historic side and rear garden of a two storey over basement end of terrace house at the corner of Ranelagh Road and Mountpleasant Square opposite the junction with Northbrook Road. The existing development consists of 48 sheet illuminated advertising display panels in a splayed formation along the eastern boundary of the site which extends to over forty metres in length. The signs are circa six metres above the level of the footpath. One of the signs is a 'trivision' 48 sheet illuminated display which comprises three advertising displays mounted on a support structure at the south east corner in front of the gable end of the building behind a high wall.
- 1.2. To the north side is the premises of a contemporary building at the corner of Places Place and Ranelagh Road. To the south east are the terraced Georgian houses on Mount Pleasant Square, a small park and Mount Pleasant Tennis Club. Some mature trees are within the gardens of the Georgian Houses at the rear of the appeal site. The LUAS "Ranelagh" stop on the Green line which is elevated above Ranelagh Road is a short distance to the south.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 3<sup>rd</sup> July, 2017 indicates proposals for the replacement of the existing 48 sheet illuminated advertising displays with "Premiere" displays which are to be splayed with a setback of 0.5 m to 4.5 metres from the eastern boundary and at a maximum height above the footpath of 5.5 metres. The signs are to be internally illuminated with LED lighting the luminosity of which is to be in accordance with standards indicated in '*Professional Lighting Guide 05 (PLG 05 (Brightness of illuminated advertisements)*, published by the ILP. Proposals for erection of a two metres high fence to the west side of the structures are also indicated.
- 2.2. The application also includes proposals for demolition of portion of the eastern boundary wall and for construction of a replacement 1.5 metres high brick east boundary wall along with landscaping on the east side of the proposed displays.

- 2.3. The application is accompanied by a landscaping scheme, and conservation report, a lighting report on methodology, measurements and mitigation for a project at Upper Richmond Road in London and a Road Safety Audit report

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated, 25<sup>th</sup> August, 2017, the planning authority decided to refuse permission on the basis of the following reason:

*“The proposed development is located in a Z2 zoned area, the zoning objective of which is, “To protect and/or improve the amenities of residential conservation areas.” It is considered that the proposed development, having regard to their internal illumination and depth of the advertising displays at a highly visible and sensitive location would be visually obtrusive, incongruous and out of character with this Z2 zoned Residential Conservation Area, would seriously injure the amenities of property in the vicinity and would be contrary to the Dublin City Development Plan, 2016-2022 and the proper planning and development of the area.”*

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning officer, in a report dated 25th August, 2017 acknowledges that removal of the existing signage represents some planning gain but considers that the proposed development, due to the illumination and depth would have equal or greater effect on the visual amenities of the area.

- 3.2.2. The report of the Engineering Drainage Division indicates no objection to the proposed development. No other internal technical reports are available on file or noted in the planning officer report.

### 3.3. Prescribed Bodies

- 3.3.1. A submission from An Taisce indicates concerns about visual obtrusiveness and adverse visual impact having regard to the historic streetscape and protected structures at the sensitive location, contravention with the advertising strategy set out in the development plan and, potential for increased safety hazard to road users by reason of size, illumination and visual clutter.

## 4.0 Planning History

- 4.1. According to the planning officer report the site has the following planning history:

P. A. Reg. Ref. 5704/03/PL 29S 208241: The planning authority decision to refuse permission was upheld following appeal for replacement of fix static advertising displays with a pole mounted unit contain two scrolling 6m x 3 m advertising displays on grounds of serious injury to the amenity to No 1 Mount Pleasant Square, (a protected structure) the Z2 Residential Conservation Area zoning objective and, the policies within the, (then extant) Dublin City Development Plan, on advertising hoardings and on non-conforming land uses.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z2: *to protect and or improve the amenities of residential conservation areas the protection of the special interest and character of which is policy objective CHC4.* (Section 11.1.5.4 refers). Outdoor advertising is not Permitted in Principle or Open to Consideration within areas subject to the, "Z2" zoning objective.
- 5.1.2. Dublin City Council's Outdoor Advertising Strategy for the city is set out in Appendix 19 in which the city is divided into Zones each with its own set of objectives and standards for outdoor advertising having regard to the sensitivity and capacity to accept outdoor advertising. The strategy is also based on constraints and

opportunities for outdoor advertising development having regard to consideration of commercial viability in the context of protection and enhancement of sensitive areas and, creation of a high quality public realm. The site location comes within Zone 6 within the strategy. Predominantly residential areas come within Zone 6 in which outdoor advertising is considered inappropriate but that there are some potential where large tracts of commercial land use. Section 19.3 within Appendix 19 contains guidelines and standards on illumination of signage.

- 5.1.3. The Council's policy for Non-Conforming Land Uses according to Section 14.6 is that,

*“Throughout the Dublin City Council area there are uses that do not conform to the zoning objective for the area. All such uses where legally established (the appointed day being 1 October 1964) or where in existence longer than 7 years, shall not be subject to proceedings under the Planning and Development Act 2000 (as amended) in respect of the continuing use. When extensions to or improvements of premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.”*

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. An appeal was received from Future Analytics on behalf of the applicant on 27<sup>th</sup> September, 2017. The appendices consist of a conservation report, a copy of 'Professional Lighting Guide 05 (PLG 05) Brightness of illuminated advertisements, published by the Institute of Lighting Professionals and, a copy of a consent to display an advertisement issued by Wandsworth Council to Rosslyn Park Football Club, Upper Richmond Road London along with an advertising lighting report for the development subject of the consent by Wandsworth Council. The appeal contains a detailed account of the building history, planning background and context for the site location and proposed development and commentary on the planning officer's report.
- 6.1.2. According to the appeal:
- The planning authority did not adequately address the positive impact and

reversibility in the current proposal relative to the existing situation at the site location which is of relevance to the protected structures and zoning. The planning officer refers to enhancement opportunities in the development plan for areas subject to the Z2 zoning objective and that the proposal improves on the present situation by reducing the scope and size of the current advertisement display areas.

- The planning officer did not take into account the key conservation and conservation related planning gains and merits outlined in the initial application and the conservation department does not appear to have been involved at all. The appellant's case is that the style and illumination levels of the proposed development are toned down and improve the urban quality and impact relative to present level.
- The removal of ample signage which is of its time and its replacement with modern and more minimal structure represents great benefit to the streetscape and protected structure and architectural conservation area. This reveals the integrity and character of the protected structure. There is a reduction in the quantum of advertising display and enhanced presentation with the incorporation of the landscaping to the east and rebuild of the eastern boundary wall
- The removal of the '*trivision*' illuminated display on the gable wall of No 1 Mountpleasant Square allows for full views of the protected structure to be appreciated. The gable end is freed up and a historically correct book end to the crescent is provided and this is positive in effect having regard to Policy CHC2 of the development plan.
- Swathes of the rear garden and forms and indentations will be restored to the original and the signage will nestle as a discreet episode instead of a large road side event. The proposed arrangement is a substantial improvement on the existing arrangement of the spaces and their usability both physically and visually.
- Special consideration has been given to impact on the protected structure and its setting. Specific regard was given to the policy relating to development in the curtilage and in relation to rear gardens of protected structures in the

development plan and the reason for refusal of permission for the proper proposal under PL 208241. The retention of a fully functional private open space for the house is retained and a new fence to the west of the displays will act as the eastern boundary for the private open space.

- The rebuild of the wall with conservation methods constructed in salvaged bricks on an BHL 3.5 bedding with NHL 5 to the capping with use of an appropriate lime mortar, a specification for which is provided. The work will be approved by the conservation guidelines of the DOEHLG is a very welcome, clear and positive addition to the urban street scape.
- The proposed development is well thought out from a conservation perspective. If implemented with best conservation practice it will be a welcome variation onto the integrity and outlook for the protected structure and its environs and well as its role in the wider community and urban scape.
- The development proposed is reversible in the that the advertising and the fencing are light weight and do not impinge on potential or the viability of the restoration of the original relationship between the private open space and protected structure. It ensures “backyard scape” in the residential conservation area is preserved.

## 6.2. Planning Authority Response

There is no submission from the planning authority on file.

## 7.0 Assessment

- 7.1.1. The applicant’s case is based on an argument that the proposed development represents a significant planning gain relative to the existing development at the site location. The existing development which the applicant proposes to replace is a non-conforming land use. Furthermore, there is a prior unsuccessful application for permission for multiple advertising displays at the site location. (P. A. Reg. Ref. 5704/03/PL 29S 208241 refers.) Therefore, the overriding question to be decided at the outset is as to whether a development proposal should, or should not be assessed relative to the pre-existing non-conforming and/or unauthorised



development on the site as a material consideration or, on its own merit having regard to zoning and relevant policies and objectives for the site location and the proper planning and sustainable development of the area. In other words, a baseline position as to whether the argument as to planning gain should be taken into consideration or disregarded should be decided prior to determination of the decision. It is clearly asserted in the appeal that the planning gain justifies the proposed development.

7.1.2. Bearing the foregoing in mind, the issue central to the determination of the decision having regard to the appeal is that of impact on the integrity of the protected structures and on the architectural heritage and character of the immediate historic built environment. This is considered below.

7.1.3. However, in addition, the potential for adverse impact of the proposed development on traffic and pedestrian safety, bearing in mind the concerns of An Taisce as indicated in the observer submission at application stage is also briefly considered.

## **7.2. Impact on the integrity of the protected structures and on the architectural heritage and character of the immediate historic built environment.**

7.2.1. The Georgian terraced houses on Mount Pleasant Square, inclusive of No 1 at the gable end and in the side garden area adjoining Ranelagh Road at which the site of the proposed development is located are included on the record of protected structures. In addition, the majority of the buildings in the streetscapes on Ranelagh Road and Northbrook Road and surrounding street network are also on the record of protected structures.

7.2.2. The proposed development and the existing development, (to be replaced) detract from the integrity No 1, Mount Pleasant Square, particularly by way of obstruction by dominant large scale bright coloured and artificially lit commercial displays in public views in both directions along Ranelagh Road. It is however agreed that the splayed display on the Ranelagh Road frontage is more visually acceptable and less adverse in impact.

7.2.3. No 1 Mount Pleasant Square is the end house of Mount Pleasant Terrace, a particularly fine Georgian Terrace which is slightly curved towards a crescent layout as opposed to being entirely linear which is somewhat atypical for Georgian terraces

but occasionally present to address a pre-existing street layout and/or overlooking parks and squares or significant structures.

- 7.2.4. The signage at the south eastern corner detracts from the integrity and context of the terrace in public views on approach northwards along Ranelagh Road, and from the integrity and context at the rear towards the chimney stacks, roof profiles and upper facades and returns on approach from the north and north east. On approach from Northbrook Road, the vista is closed by the display overlooking Ranelagh Road, both existing and proposed. They also dominate and interfere with the integrity and historic character of the built environment between the canal at Charlemont Street and Ranelagh Village to the south in which there is some well integrated and compatible contemporary insertions such as the building to the north side of the appeal site at the corner of Places Place. Furthermore, the signs and proposed signs visually dominate and detract from the setting of the historic building and streetscape context as is reflected in the (“Z2”) ‘residential conservation area’ zoning objective and statutory protection provided for by inclusion on the record of protected structures. It is of note that there is no provision within the zoning objective or Appendix 19 for accommodation of development of nature of the existing and proposed land use which constitute outdoor advertising. Therefore, the proposed development, on its own merits is considered unacceptable, generally on the grounds indicated in the reason attached to the decision to refuse permission.
- 7.2.5. When assessed on the basis that consideration of potential planning gain in the current proposal relative to the existing unauthorised development, it is agreed with the applicant’s agent that the proposed replacement development is visually a more contemporary enhancement in effect and more acceptable than the existing development in several respects. Proposals for landscaping and repair, and if warranted reconstruction of the boundary would result in more orderly presentation in public views. The proposals for illumination of the replacement signs are appropriate for outdoor advertising in appropriate zones and generally more acceptable aesthetically than the existing lighting.
- 7.2.6. However, if the proposed development itself is considered unacceptable for the sensitive site location, separate consideration of the proposed illumination is somewhat immaterial. The example development in the administrative area of Wandsworth Council, (London, UK) and the accompanying technical report prepared

by the Institute of Lighting Professionals have been reviewed and it is noted that the site location for the development in Wandsworth was at a Rugby Club which is not a comparable location to an area characterised by a streetscape featuring historic architecture and dominated by protected structures.

- 7.2.7. The Zone 6 areas as categorised in the Outdoor Advertising Strategy within Appendix 19 of the Development Plan are stated to be inappropriate for outdoor advertising. These zones are therefore deemed, in effect, on a statutory basis to have no capacity to accept outdoor advertising. Given, as previously stated, that the proposed signs are considered inappropriate to and incompatible with the existing historic environment within the Zone 6 area of the Outdoor Advertising Strategy in Appendix 19 of the development plan, approval of the proposed development would materially contravene these policies and objectives even though it is accepted that it is arguable that as a substitute for the existing unauthorised development the proposed development represents a less adverse negative impact.
- 7.2.8. As such in a less sensitive built environment such as a commercial area with capacity to accept large scale advertising and display structures, replacement of an unauthorised development such as the existing development with the proposed development is likely to be welcomed as commensurate with the carrying capacity of the built environment in the area. Such a scenario could, (hypothetically) be justified on the basis that it is a planning gain representing an enhanced and improvement to the built environment which also, is favourably considered on its own merits. However, given the foregoing, approval of the current proposal at the sensitive site location on the basis that it would enhance the aesthetics and visual amenities of the area relative to the effect of the existing unauthorised development cannot be justified.
- 7.2.9. In view of the foregoing, while the proposed development is in principle aesthetically more acceptable than the existing development, the replacement of which is proposed, it is seriously injurious to and, visually detracts from the context and setting of the protected structure at No 1 Mount Pleasant Square, and that of the Georgian terraced houses on Mount Pleasant Square. The impact is exacerbated to by the crescent shaped feature footprint of the terraced houses, from the visual amenities and architectural character of the Residential Conservation Area zoned area in which the site location is located and in which the streetscape is

predominated by historic houses and streetscape features. It is therefore recommended that the planning authority decision be upheld and that permission be refused.

### **7.3. Traffic hazard and public safety.**

- 7.3.1. The existing and proposed displays facing onto Ranelagh Road, closes the vista on approach along Northbrook Road to the junction. It is considered, given the scale and nature of the existing and proposed development that road users, particular drivers, especially those not closely familiar with the area and driving conditions may be easily distracted. The road safety audit submitted by the applicant has been noted but it is regrettable that that comments and recommendations of the internal roads and traffic department were not made available for either the existing and proposed development subject of the current application and appeal or the previous unsuccessful proposal under P. A. Reg. Ref. 57094/03/PL 208241. It would be advisable for this matter to be taken into consideration in the event of possible favourable consideration of the proposed development.

### **7.4. Appropriate Assessment.**

- 7.4.1. Having regard to and to the nature of the proposed development and the inner urban site location, no Appropriate Assessment issues proposed development would not 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. In view of the foregoing, it is recommended that the planning authority decision be upheld and that permission be refused on the basis of the following draft reasons and considerations.

## **9.0 Reasons and Considerations**

It is considered that the proposed development of outdoor advertising displays, at the site location, notwithstanding the proposed removal and replacement of the existing development and other associated works would be visually obtrusive, incongruous, out of character with and seriously injurious to the integrity and context

of the existing terrace of Georgian houses on Mount Pleasant Square, which are included on the record of protected structures and, to the architectural character the historic built environment surrounding the sensitive site location which comes within an area subject to the zoning objective Z2: to protect and/or improve the amenities of residential conservation areas. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
2<sup>nd</sup> January, 2018