



An  
Bord  
Pleanála

## Inspector's Report ABP-301596-18

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<b>Development</b>	The erection of 1 No. commercial sign comprising of an area of 6m wide x 3m high with fixed strip lighting.
<b>Location</b>	1-4 Ashwood House, Main Street, Shankill, Dublin 18.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0167
<b>Applicant(s)</b>	R. Nowland & D. Ippen
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	R. Nowland & D. Ippen
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> August, 2018
<b>Inspector</b>	Robert Speer

## **1.0 Site Location and Description**

1.1. The proposed development site is located along the western side of Main Street in Shankill village centre and is occupied by a two-storey, mixed-use building known as Ashwood House which comprises a series of ground floor retail / commercial units, including a café / restaurant, with additional accommodation overhead. The site forms part of a larger neighbourhood / village centre development and is surrounded by a variety of retail, commercial, entertainment and office uses typical of a town centre location whilst the lands to the immediate west are in use as a car park. The proposed signage is to be erected at first floor level on the south-facing gable elevation of the existing building and will overlook the entry / exit point to the adjacent car park whilst also being visible from the southern approach along Main Street.

## **2.0 Proposed Development**

2.1. The proposed development consists of the erection of a 6m x 3m static advertising hoarding with overhead fixed 'strip' lighting on the southern gable of an existing mixed-use building (i.e. Ashwood House).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. On 17<sup>th</sup> April, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to the scale, size, design and location, it is considered that the proposed billboard sign is significantly out of scale with the surrounding built form and presents a visually obtrusive and unappealing form of development at this prominent location within Shankill village. The proposed development contravenes Section 8.2.6.8 of the 2016-1022 Dun Laoghaire – Rathdown County Development Plan, would be seriously injurious to the visual amenities of the area and would set an undesirable precedent for similar developments

in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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

Details the particulars of the proposed development, the site context, and the relevant planning history, before proceeding to analyse the proposal in light of the applicable planning policy considerations, with particular reference to Section 8.2.6.8 of the Development Plan which pertains to shopfronts, signage and advertising. The report subsequently notes that the subject sign will be larger than that previously mounted on the gable elevation and states that whilst it will only be visible on approaches to the site from the south, given its location at the entrance to an adjacent car park, it is considered to occupy a prominent location within the village. It is further stated that the proposed signage will detract from the visual amenity of the area and will set an undesirable precedent for similar such development. The report thus concludes by recommending a refusal of permission.

#### **3.2.2. Other Technical Reports**

*Transportation Planning:* No objection.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

### **4.1. On Site:**

PA Ref. No. D97A/0166. Was granted on 13<sup>th</sup> May, 1997 permitting Knockfadda Enterprises Ltd. permission for (1) A 2 storey retail and office development on site adjacent to existing Public House. (2) A single storey enclosure to proposed stairway

to basement area (adjacent to existing Off Licence area), including shop front and automatic bank teller machine. (3) Extension of existing carpark to area of Parochial Hall demolished. (4) Free standing sign. (5) Retention of minor alterations/ variations to previously approved planning permission to include (a) retention of relocated side entrance and shop front on north (carpark) elevation. (b) retention of first floor level office/store. (c) retention of 3 no. windows to side/south elevation. (d) retention of alterations to public bar area including relocation of toilets to basement area. (e) retention of entrance gates off carpark and permission for use of same as alternative service entrance. (6) retention of basement structure/area to front building and permission for use as lounge and toilet area. (It is noted that the existing, reinstated Right of Way shall remain unaltered and shall not be affected by this application).

PA Ref. No. D02A/0359. Was granted on 19<sup>th</sup> June, 2002 permitting Knockfadda Enterprises Ltd. permission for minor alterations to previously approved application, Planning Reg. Ref. No. D97A/0166, to provide for re-positioning of 2 storey retail/office development and minor elevational changes on site.

PA Ref. No. D02A/0527. Was granted on 31<sup>st</sup> July, 2002 permitting Knockfadda Enterprises Ltd. permission for first floor extension to provide a waiting/reception area for existing restaurant and associated minor elevational changes.

PA Ref. No. D03A/1030. Was granted on 8<sup>th</sup> December, 2003 permitting Knockfadda Enterprises Ltd. permission for minor alterations to previously approved planning permission (Plan. Reg. Ref. D02A/0359), to provide for a change of use of first floor office unit to physiotherapists.

PA Ref. No. D04A/0366. Was granted on 28<sup>th</sup> May, 2004 permitting Siobhan Noble permission for minor alterations to previously approved Planning Permission (Reg. Ref. D02A/0359) to provide for a change of use first floor office Unit 3 to Beauty Clinic.

PA Ref. No. D07A/1317. Was granted on 4<sup>th</sup> December, 2007 permitting Ian Kiely & Paul Keogh permission for a change of use from the existing retail use to cafe at Unit 4, Ashwood House, Main Street, Shankill, Co. Dublin. Permission is also sought for public seating areas to front and rear, alterations to the shopfront and rear facade (i.e. addition of awnings), signage and all other site development works.

PA Ref. No. D14A/0397. Was granted on 3<sup>rd</sup> October, 2013 permitting Michael Hanlon permission for development consisting of: (i) Change of Use of a Florist at Unit 3 to Café with takeaway coffee and hot food (37m<sup>2</sup>). Unit 3 will be combined with the existing Café in the adjoining Unit 4 (40m<sup>2</sup>) to form a single outlet and (ii) new shop front with illuminated signage to both Unit 3 and Unit 4.

PA Ref. No. D17A/0628. Was granted on 6<sup>th</sup> September, 2017 permitting Street Food Outlet Ltd. permission for 1. Retention of signage and wood fascia above entrance to rear of Unit 3. 2. Retention of relocated bin storage area to rear of Unit 4. 3. Provision of new wood sheeted screening/fencing to relocated bin storage area. 4. Retention of 1 no. refrigerated storage unit (6.6 sqm) located to rear of Unit 4. 5. Existing wood surround screening/fencing to refrigerated storage unit to be raised in height by 700mm approx., all located to the rear.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Dun Laoghaire Rathdown County Development Plan, 2016-2022:

##### Land Use Zoning:

The proposed development site is located in an area zoned as 'NC' with the stated land use zoning objective '*To protect, provide for and-or improve mixed-use neighbourhood centre facilities*'.

In accordance with Table 8.3.7 of the Development Plan, the erection of '*Advertisements and Advertising Structures*' within this land use zoning is '*Permitted in Principle*'.

##### Other Relevant Sections / Policies:

Section 8: *Principles of Development:*

Section 8.2: *Development Management:*

Section 8.2.6: *Retail Development:*

Section 8.2.6.8: *Shopfronts, Signage and Advertising:*

(ii) *Signage:*

To protect the amenities and attractiveness of the County, no commercial advertising structure will be permitted in the open countryside, on or near a structure of architectural or historical importance, in architectural conservation areas, on public open spaces, in areas of high amenity, within important views, in residential areas, or where they would confuse or distract users of any public road.

Particular attention will be paid to the design and location of new advertising in those areas where the Council intends to implement town and village improvement schemes in order to maximise the potential environmental benefits of such schemes and also in areas the subject of Local Area Plans.

Advertising signs, where permitted, should be simple in design and sympathetic to the surroundings and features of the building on which they will be displayed. The number of signs located on a property should be limited and no sign should be unduly obtrusive or out-of-scale with the building façade. Control will be exercised to prevent an impression of clutter in any location. Details in respect of signage illumination must be submitted and the Council will discourage the use of flashing/moving illumination on signs or TV screens within shop windows.

*(iii) Wall Panel/Poster Board Advertisements:*

Wall panel/poster board advertisements may be permitted on commercial premises in Major Town Centres, District Centres and Neighbourhood Centres. The size of the display panel should relate to pedestrian scale. Larger scale poster panels are generally inappropriate in locations proximate to pedestrians.

A wall panel/poster board should be sited back from the wall edges (i.e. not fill entire wall sections and obscure tops/sides of walls) and have regard to the symmetry and any features of the wall on which it is to be displayed. Panels should not normally be placed on buildings above ground floor level.

Wall panel/poster board advertisements will not be permitted where they would confuse or distract users of any public road and the use of prismatic/moving advertisements will not be encouraged.

In circumstances where they will provide temporary screening for derelict and vacant sites or sites where development is taking place, the actual poster board should not exceed 30% of the surface of the wall or screening on which it is mounted.

Subject to location, well designed advertisement panels may be permitted on builders' hoardings for a specified period. The panels should not extend above the general line of the top of the hoarding and should be evenly spaced at uniform height and width.

## 5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.9km northeast of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 5km northeast of the site.
- The Ballyman Glen Special Area of Conservation (Site Code: 000713), approximately 3.5km southwest of the site.
- The Knocksink Wood Special Area of Conservation (Site Code: 000725), approximately 4.8km southwest of the site.

*N.B.* This list is not intended to be exhaustive as there are a notable number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposed sign is not visually obtrusive and is appropriate to its siting within a busy commercial neighbourhood centre.
- The proposed development does not contravene the policy on signage set out in Section 8.2.6.8 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022.

- Given the positioning of the signage on the southern gable of the building, it will only be visible on travelling northwards along the public road or on entry to the car park.
- The proposed development effectively involves the replacement of a large sign that previously occupied the southern gable of the existing building (as detailed in the submitted drawings) and was removed to make way for the subject proposal. In addition, the applicants are unaware of any enforcement proceedings either having been enacted or pending in relation to the original signage.
- The orientation of the proposed signage remains the same as that which will be replaced and will not interfere with the safety of pedestrians, the accessibility of the footpath or the road, and will not obscure road signage.
- The proposed luminosity accords with best practice guidelines for the illumination of outdoor advertising displays as indicated in *'Professional Lighting Guide (PG05): Brightness of Illuminated Advertisements'*.
- Section 8.2.6.8(1) of the Development Plan states that commercial advertising structures will be not permitted in the open countryside, on or near structures of architectural or historical importance, within Architectural Conservation Areas, on public spaces, in areas of high amenity, within important views, in residential areas, or where they could confuse or distract users of any public road. The subject proposal complies in full with this policy requirement.
- Section 8.2.6.8(iii) of the Development Plan states that wall panel / poster board advertisements may be permitted on commercial premises in major town centres, district centres, and neighbourhood centres. This policy provision further states that the size of such display panels should relate to pedestrian scale and that larger panels will generally be inappropriate in locations proximate to pedestrians. It is also stated that wall panels / poster boards should be sited back from the edges of walls (i.e. they should not fill entire wall sections and obscure the tops / sides of walls) and should have regard to the symmetry and any features of the wall on which they are to be displayed. Furthermore, any such panels should not normally be placed on buildings above ground floor level whilst wall panel / poster board



advertisements will not be permitted where they would serve to confuse or distract the users of any public road. The use of prismatic / moving advertisements is also discouraged.

It is submitted that the subject application accords with the foregoing policy considerations.

- The subject proposal involves the erection of a commercial sign within a neighbourhood centre. External advertising is an integral and acceptable part of such environments provided it is well designed and appropriately located. The proposed development will serve to replace an existing unauthorised billboard with a more attractive sign that is better sited on the gable wall.
- This is a busy retail / business centre and the provision of good quality signage on the approach into the centre's car park will not detract from the visual amenity of the environment.
- No objections to the proposed development were received by the Planning Authority.
- In relation to the specific policy requirements set out in the Development Plan under Section 8.2.6.8, the Planner's Report only refers to the scale and location of the billboard as being unacceptable despite the fact that this form of signage is open for consideration from a land use zoning perspective, is permissible within a neighbourhood centre, and complies generally with the principles set out in subsection (ii).
- The primary reason for refusal appears to relate to visual amenity considerations which, in the context of this busy commercial centre, are somewhat subjective in nature.
- The sign is located between 2 No. commercial parts of an existing neighbourhood centre i.e. Ashwood House and Brady's Pub, and is only visible from the public road on travelling northwards along same whilst its visual intrusion is substantially reduced by the backdrop of the centre's buildings and car park. Therefore, it is submitted that the proposal will have relatively little negative impact on what is a very bland wall of no visual or architectural interest.

- The decision to refuse permission refers to a possible precedent for similar development in the area. It is considered that this is very unlikely to occur as there are no other suitable gable wall areas available for such purposes.
- By way of summation, the Board is advised as follows:
  - This form of advertising is permitted in principle within the applicable land use zoning.
  - Billboard signs such as that proposed may be permitted on commercial premises in neighbourhood centres (please refer to Section 8.2.6.8(iii) of the Development Plan).
  - The proposed signage is not located within any of the excluded locations detailed in 8.2.6.8(ii) of the Development Plan nor will it serve to distract road users. Furthermore, it does not include for any moving advertisements.
  - The proposed sign is set well back from the sides and top of the gable wall and does not obscure any architectural features.
  - The proposal adds a controlled level of visual interest to this urban commercial setting.
  - The proposed signage has been appropriately located between two commercial buildings and cannot be considered visually obtrusive or unappealing given its context.
  - The signage will not obstruct or endanger pedestrians.
  - The proposal will not act as a precedent for similar development.
  - Some limited advertising (other than individual fascia signs) would be appropriate in this area.
- The proposed development will not seriously injure the visual amenities of the area by reason of its design or location on a gable wall between two commercial buildings within a neighbourhood centre. The proposal also accords with the zoning objective for the area and the specific policy provisions for outdoor advertisements and billboards as set out in Section 8.2.6.8 of the Development Plan. Therefore, the proposed development would

be consistent with the proper planning and sustainable development of this village centre.

## 6.2. **Planning Authority Response**

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

## 7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and visual impact
- Appropriate assessment

These are assessed as follows:

### 7.1. **The Principle of the Proposed Development:**

- 7.1.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the grounds of appeal have put forth the argument that the subject proposal involves the replacement of previous signage as distinct from the erection of an entirely new advertising display and, therefore, the application should be assessed in such a context. For such a case to receive favourable consideration it will be necessary to establish whether or not the former (since removed) signage on site had the benefit of planning permission or was otherwise authorised.
- 7.1.2. Having reviewed the available information, including the planning history of the application site, and noting the provisions of the Planning and Development

Regulations, 2001, as amended, it is my opinion that the former ('existing') signage detailed on Drg. No. 1717-PLA-002 (which advertised a nearby public house outside of the application site) was likely affixed to the gable wall in question without the benefit of planning permission or any other authorisation (in contravention of the conditions attached to previous grants of permission issued on site) and this would seem to have been acknowledged by the applicants by their reference to no enforcement action having been initiated in respect of same. Accordingly, on the basis that neither the applicants nor the Planning Authority have provided any evidence to confirm the authorised / permitted status of the former advertising display, I am not satisfied that said signage constituted authorised development in the first instance and, therefore, the subject application should be assessed as a 'new' proposal having regard to current Development Plan policy.

7.1.3. Notwithstanding the foregoing conclusion, it should be noted that the Development Plan does not appear to make any distinction between the upgrading of existing / former signage and the erection of new displays. Moreover, I am inclined to suggest that the overall increase in the extent of the proposed advertising display when compared to the previous signage, in addition to the provision of the additional 'strip' lighting, would constitute an intensification of any advertising use of the site and should be assessed accordingly.

7.1.4. The site is located within an area zoned as 'NC' with the stated land use zoning objective *'To protect, provide for and-or improve mixed-use neighbourhood centre facilities'* and within such locations the erection of *'Advertisements and Advertising Structures'* is deemed to be *'Permitted in Principle'*. In addition to the foregoing, Section 8.2.6.8(iii) of the Development Plan states that the erection of wall panel / poster board advertisements may be permitted on commercial premises in *'Neighbourhood Centres'* provided they satisfy certain development / design criteria and will not serve to confuse or distract road users, however, it should be noted that this provision is countered somewhat by Section 8.2.6.8(ii) which states that *'The number of signs located on a property should be limited and no sign should be unduly obtrusive or out-of-scale with the building façade. Control will be exercised to prevent an impression of clutter in any location'*.

7.1.5. Therefore, having regard to the applicable land use zoning and the specifics of the site context, with particular reference to its positioning on the gable end of an

existing commercial / mixed-use building which forms part of a larger neighbourhood centre, the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the visual amenity of the wider area, and its adherence to certain specified development / design criteria.

**7.2. Overall Design and Visual Impact:**

- 7.2.1. It is proposed to erect the new advertising display on the southern gable of an existing two-storey building which occupies a corner plot at the junction of an access road to an adjacent car park with Main Street. Notwithstanding the presence of earlier signage on site, it is apparent that this location has been selected due to the directionality of passing traffic and the visibility of the proposed signage from vehicles travelling northwards along this section of Main Street, although I would concede that clear views of the display will only be available for a comparatively short stretch of roadway. In this regard, I would have concerns that the overall scale and siting of the proposed signage, with particular reference to its positioning at first floor level, would be contrary to Section 8.2.6.8(ii) of the Development Plan which specifically states that large scale wall panel / poster board advertisements are generally inappropriate in locations proximate to pedestrians and that they should not normally be placed on buildings above ground floor level. Moreover, it is my opinion that the subject proposal is clearly intended to be overtly visible to passing traffic and thus could potentially serve to confuse or distract users of the public road thereby endangering public safety by reason of traffic hazard.
- 7.2.2. Whilst the immediate visual impact of the proposed signage and its associated lighting will be confined to a relatively short distance of public roadway, I would nevertheless have reservations as regards the wider visual impact of the proposal on the overall character of the streetscape given its siting on a prominent gable wall along the Main Street of Shankill Village, particularly in light of the proliferation of existing advertising signs and name signs in the vicinity of the site. In this respect I am inclined to suggest that the proposed development, which would appear to be intended for advertising purposes unrelated to the building to which it will be affixed, would be visually obtrusive in the streetscape, would give rise to an unnecessarily cluttered appearance along this section of Main Street, and would set an undesirable precedent for similar such development to the detriment of the area.

7.3. **Appropriate Assessment:**

- 7.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Having regard to the nature, scale, position and location of the proposed sign on a prominent gable wall in the streetscape, it is considered that the proposed development would seriously injure the visual amenities of the area and of property in the vicinity, would contravene Section 8.2.6.8 of the Dún Laoghaire-Rathdown County Development Plan, 2016, would set an undesirable precedent for similar type advertising structures in the area and, when taken together with the existing advertising signs and name signs in the vicinity of the site, would exacerbate an existing proliferation of signage at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

22<sup>nd</sup> August, 2018