



An
Bord
Pleanála

Inspector's Report

ABP-304800-19

Development	PROTECTED STRUCTURE & RETENTION: Retention of one V- shaped, free standing advertising sign.
Location	RTE Campus, Stillorgan Road, Donnybrook, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2802/19
Applicant(s)	Cairn Homes Properties Limited
Type of Application	Retention
Planning Authority Decision	
Type of Appeal	First Party
Appellant(s)	Cairn Homes Properties Limited
Observer(s)	None
Date of Site Inspection	13 th September 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site forms part of the RTE campus, Donnybrook, Dublin 4. The sign to be retained is located to the rear of Montrose House and adjacent to the Stillorgan Road, (R138) dual carriageway to the southeast of the site. Montrose House is a Protected Structure (Protected Structure, RPS Ref. 7847).
- 1.2. The campus has been home to RTE since 1960 and recently the lands to the north of the campus have been sold to Cairn Homes for future development. The lands surrounding Montrose House remain within the ownership of RTE.

2.0 Proposed Development

- 2.1. The development comprises the retention of one 4.55 metre high by 2.86 metre wide V-shaped, free standing advertising sign, fronting onto the Stillorgan Road and located within the vicinity of Montrose House.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification to refuse planning permission for the following reason:

The proposed development to retain a 4.5m high x 2.86m wide advertising sign located within the curtilage of a Protected Structure would result in a significant negative impact on the setting of the Protected Structure by virtue of its nature and design and as such would set an undesirable precedent for similar development within the area and would be seriously injurious to the amenities of properties in the vicinity.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports**

The Planner's Report sets out details of the proposed development and outlines the recent planning history associated with the RTE site. In terms of assessing the proposal, the report notes that the sign is assessed under the Outdoor Advertising

Strategy contained within Appendix 19 and the Development Management Standards as set out in Section 19.6 of the Development Plan. The site is located within Zone 3; a radial route. It is set out that Advertising structures are open for consideration within this zone subject to compliance with the Development Management Standards set out in Section 19.6. The report notes that while the proposal is located in a zone where outdoor advertising could be considered, the application does not contain any rationale for the advertising structure, nor does it include any proposals for the removal or rationalisation of existing outdoor advertising structures. It is noted that the sign is not made from high quality materials and would appear to be temporary in nature. It is set out that the sign is located to the rear of the protected structure and although there is some separation distance provided, it is within the curtilage of the protected structure. It is considered that the nature and design the proposal would represent an unwelcome precedent for the provision of low-quality, large scale advertising structures within the curtilage of a protected structure and as such is unacceptable.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division (Report dated 15th May 2019) – No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

DCC Ref. E1139/18 – In 2018 Enforcement proceedings commenced in relation to the unauthorised erection of a large advertising hoarding adjacent to the Stillorgan Road and within the RTE campus.

ABP PL29S.248946/ DCC Ref. 2874/17 – Planning permission granted in 2017 for the relocation of Fair City Lott filming set comprising of 11 sets including internal roads

and footpaths, provision of a new road and fence along boundary of set and all associated works.

DCC Ref. 2682/16 - Planning permission granted by Dublin City Council in 2016 for the change of use of Montrose House (a protected structure from office and administrative use to use as a crèche).

DCC. Ref. 3094/16 - Planning permission granted by Dublin City Council in 2016 for a new access to the RTE lands from the R138 (Stillorgan Road) together with footpaths, pedestrian crossings and landscaping and amendments to the existing internal road network on the RTE campus. The proposal will involve the closure of the existing main access on Nutley Lane and associated new boundary treatment etc.

5.0 Policy Context

5.1. Development Plan

The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.

The subject site is zoned Z12 “to ensure existing environmental amenities are protected in the predominantly residential future of these lands”.

Montrose House is a protected structure reference - RPS Ref. 7847.

Section 4.5.6 Outdoor Advertising Strategy - commercial advertising in the public domain (Appendix 19). This strategy forms the policy for outdoor advertising.

Policy of Dublin City Council: SC22: To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and with secondary consideration of the Outdoor Advertising Strategy. In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.

Policy of Dublin City Council: SC23: To actively seek the removal of unauthorised advertisements, fabric banners, meshes, banner or other advertising forms from private property and public areas.

Appendix 19 – Outdoor Advertising Strategy - In order to manage an effective programme of outdoor advertising, the city council has developed a policy based on geographical zones. These zones cover all parts of the city, ranging from areas of architectural, historical and cultural sensitivity, to residential areas, to areas of little architectural or historic significance. Based on these zones, a range of controls and policies have been developed for each zone ranging from the prohibition of outdoor advertising in the most sensitive areas to more general controls in less sensitive areas where certain types of advertising will be considered.

The subject site is located in Zone 3 for the purposes of the advertising strategy.

Zone 3: The radial routes leading into and out of the city are areas where opportunity exists for the managed provision of outdoor advertising.

Subject to compliance with the development management standards, as set out in Section 19.6, the development of outdoor advertising in this zone will be open for consideration.

19.2 Public Realm: A Co-ordinated Approach

Any new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures.

19.6 Advertising Development Management Standards Applications for new advertising structures on private lands (adjacent to primary routes) will be considered having regard to the following:

- The geographical zone in which the site is located, as set out in the figure showing zones of advertising control.
- The rationale for the proposed advertising structure, including proposals for the removal and/or rationalisation of existing outdoor advertising structures.
- The concentration of existing advertising structures in the area.
- The design of the advertising panel and the use of high-quality materials.
- The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.
- Impact on the character of the street and the amenities of adjoining properties.

- Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.
- Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas.
- Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.

Architectural Heritage

Policy CHC2: To ensure that the special interest of protected structures is protected.

5.2. Natural Heritage Designations

There are two designed sites within 1.4km of the site.

- South Dublin Bay SAC (site code 00210) is located 1.4km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 1.4km east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has submitted an appeal, the grounds of which is summarised as follows:
- It is set out that the sign is a temporary sign to raise awareness and market the new homes for a period of 18 months only. Visitors to the site are expected to increase as the process of selling houses begins.

- It is set out that the sign is made from high quality, robust corrugated plastic board mounted by a discreet steel frame. The sign has a gloss finish and contains imagery and font that is measured and appropriate for its location.
- After the period of advertisement has elapsed, the sign would be disassembled on site and recycled.
- In terms of compliance with policy, it is set out there is not a concentration of advertising structures in the area,
- The design is high quality and the scale is small in comparison to the surrounding infrastructure. The carriageways of the N11 are expansive, the trees are dense and mature, and the sign is visually subsumed by this infrastructural streetscape.
- There is no impact on the character of the street or amenities of adjoining properties and the nearest dwelling is 50m away on the opposite side of the N11.
- It is set out that the sign is positioned 20m southeast of Montrose House (Protected Structure). Views of the house are restricted by dense mature trees on the RTE site. The sign has no visual association with Montrose House. The structure of the house is only visible from the pedestrian footbridge.
- The sign would not set an undesirable precedent and would not represent a traffic hazard to passing vehicles as the sign has been designed to be read in close proximity only. It does not contain large font, bright contrasting colours or any form of illumination.
- It is set out that the sign occupies a space that is visually removed from the protected structure and the N11 carriageway. The sign is set back from the road and does not interfere with the bus shelter or footpath and could not be mistaken for a road sign.

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond to the grounds of appeal

6.3. Observations

None

7.0 Assessment

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of Development
- Design, Impact on Visual Amenity and Architectural Heritage
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The sign to be retained is a V-shaped, free standing sign measuring 4.55m x 2.86m. The appellant has indicated that the sign is a temporary structure for a period of 18 months only.

7.2.2. Appendix 19 of the Development Plan establishes that the site is located within Zone 3, a radial route and as such advertising structures are open for consideration within this zone subject to compliance with the development management standards set out in Section 19.6 of the Dublin City Development Plan 2016-2022.

7.2.3. Section 19.6 requires appropriate rationale for such advertising structures be demonstrated, including proposals for the removal. The existing concentration of advertising structures in the area will be considered, the design of the advertising panel, the scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located and the impact on the character of the street and the amenities of adjoining properties, including the impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas. Advertising structures will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway and the safety and free flow of traffic.

7.2.4. The appellant argues that the sign is a temporary sign to raise awareness and market their new homes for a period of 18 months only. In this regard, I note this is a retention application and the application was made to the planning authority in April 2019 prior

to which enforcement proceedings for the erection of an unauthorised sign commenced in 2018.

- 7.2.5. The appellant also argues that the sign is of an appropriate design, scale and finish. The sign is set back from the road edge and does not represent a traffic hazard to passing vehicles as the sign has been designed to be read in close proximity only. It does not contain large font, bright contrasting colours or any form of illumination.
- 7.2.6. Site inspection indicated that the sign includes a directional arrow on the north-western approach to the sign, the scale of which would appear to be directed towards passing motorists in addition to pedestrians. In this regard, I am not satisfied that the sign does not represent a traffic hazard and obstruction to road users. I further consider this is compounded by the recessed location within the RTE grounds and the location in close proximity to a bus stop and associated bus stop advertising reflecting visual clutter and confusion. Vehicles have to slow down to view the sign.
- 7.2.7. Policy objective SC22 states that all advertising structures must be of high-quality design and materials and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.
- 7.2.8. The sign is located on third party lands, removed from the development it is advertising and on a busy primary route. I do not consider the appellant has demonstrated sufficient rationale for the sign. Accordingly, I consider the proposed sign contrary to provision of Section 19.6 and Policy SC22 of the Development Plan.

7.3. **Design, Impact on visual amenity and Architectural Heritage**

- 7.3.1. The planning authority recommended refusal of the sign having regard to location within the grounds of a Protected Structure which has a significant negative impact on the setting of the Protected Structure by virtue of its nature and design and as such would set an undesirable precedent for similar development within the area and would be seriously injurious to the amenities of properties in the vicinity.
- 7.3.2. It is the policy of Dublin City Council as set out in Policy CHC2: To ensure that the special interest of protected structures is protected, and that new development should not cause harm to the curtilage of the structure. The design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.

- 7.3.3. Whilst, I note the proposal is located in a zone where outdoor advertising could be considered, the sign is located to the rear of the protected structure and although there is some separation distance provided, the sign remains within the curtilage of the protected structure. Furthermore, the existing advertising structure is visible for a considerable distance along the R138 Stillorgan Road dual carriageway and public footpath fronting the site. The sign is positioned adjacent to the bus stop and the scale of the signage which is disproportionate to the bus stop serves to increase the visual dominance of the sign.
- 7.3.4. I note the sign is surrounded by trees and these trees form part of the attendant grounds of the protected structure and create a buffer between the protected structure and the public road and serve to enhance the setting of the protected structure. The location of the sign within this vegetation detracts from the established setting. I also note that the location of the sign screens any views of the protected structure from the public road. Furthermore, the sign is visible from the protected structure. Therefore, I am satisfied that the sign detracts from the setting of the protected structure and the scale of the sign, in my opinion, exacerbates the visual intrusion at this location.
- 7.3.5. The proposed development represents an inappropriate addition to the streetscape which detracts from the visual amenity of the area and represents a detrimental impact on the setting and character of an adjacent protected structure.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development, which relates to the retention of a sign outside of and separated from any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the 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

I recommend that permission be refused for the reasons stated in the attached schedule.

9.0 Reasons and Considerations

It is considered that the proposed development, by reason of its prominent location, and scale would endanger public safety by reason of an obstruction to road users and would seriously detract from the character and setting of an adjacent protected structure and would conflict with the policies of the Dublin City Development Plan, 2016-2022 which states that advertising signage will not be permitted where it interferes with the safety and free flow of traffic and where there is a negative impact on the character and integrity of Protected Structures. The proposal would, therefore, be incompatible with maintaining the character and interest of the protected structure, would seriously injure the visual amenities of the surrounding area, would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

Irené McCormack
Planning Inspector

24th September 2019