



An
Bord
Pleanála

Inspector's Report ABP-305412-19.

Development	Planning permission is sought for 2 no. media screen signs on the south/west and north/east gable elevations of a building called 'The Ramparts Court' together with all associated site development works.
Location	'The Rampart Court', Ramparts Road, Dundalk, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	P.A. Reg. Ref. No. 19525.
Applicant	Arabtec Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant	Arabtec Ltd.
Observer(s)	None.
Date of Site Inspection	28 th day of November, 2019.
Inspector	P.M. Young.

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1.0 Site Location and Description

1.1. The appeal site has a stated site area of 0.525ha and contains a 3-storey pitched roof part brick and part pebble dash apartment dwelling building (The Rampart Court) whose principal façade faces directly onto the heavily trafficked mixed-use Ramparts Road and is located in the heart of Dundalk's town centre, in County Louth. The south western gable of this building bounds the car park area associated with Dundalk Lighting. This gable contains no window openings. The north eastern gable is bound by a hard-surfaced area that appears to accommodate limited car parking. This gable contains openings on all levels as well as an access to the rear of the site. Bounding the site at this location is a tall solid wall which bounds an access serving a Vodafone Call Centre building and an RTE studio. A set of photographs taken during my inspection of the site are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for the provision of 2 no. media screen signs on the south/west and north/west gable elevations together with all associated site development works.
- 2.2. According to the submitted drawings the proposed sign on the north/eastern gable would have a height of 4.6m and width of 5.4m. It would be setback a stated 0.35m from the edge of the principal elevation and it would at its lowest point raised a stated 3.1m above the external ground floor level. The submitted drawings also indicate that the sign on the south west elevation would be of a matching size and would be similarly placed. Both signs proposed would be digital media signage.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused planning permission for the following stated reason:

"1. The 2no. proposed media screen signs by reason of their size, type and position on the gables of a prominent building located on a key thoroughfare within Dundalk would be visually intrusive and would seriously injure the visual amenities of

the area and the residential amenity of the residents at Rampart Court, Rampart Mill and Williams Place. Furthermore, the proposed sign on the north-eastern façade requires the removal of windows serving apartment units which would adversely impact on the residential amenities of those occupants. It is considered that the proposed development, therefore, set an undesirable precedent for similar type developments and be contrary to proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. This report concludes that the proposed signage would be placed on the gables of a prominent building located on a key thoroughfare and would be visually intrusive as well as would seriously injure its streetscape setting. It further considered that the proposal would require the removal of windows serving existing apartments which would adversely impact on the residential amenities of the occupants of these apartments and that such a development would result in an undesirable precedent. For these reasons the report concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. No referrals made.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site and in the vicinity

4.1.1. No recent or relevant planning history for the site and its setting.

5.0 Policy and Context

5.1. Local Planning Policy Provisions

- 5.1.1. The Dundalk & Environs Development Plan, 2009 to 2015, as varied and extended, is the applicable plan, under which the site and the surrounding urban land is zoned 'Town Centre Retail'. The stated objective for such land is: *"to protect and enhance the vitality and viability of the town centre as the primary retail core of the town"*.
- 5.1.2. Policy TC7 of the Development Plan states that the Planning Authority shall: *"encourage a high-quality built environment within the town centre"*.
- 5.1.3. Table 4.1 of the Development Plan sets out priority objectives and actions for Dundalk's town centre which includes but is not limited to the transformation of the Ramparts into an Urban Avenue and also seeks improved signage within the town centre.
- 5.1.4. This Development Plan also seeks to ensure that the Ramparts comprises of mix of quality design buildings with active frontage.
- 5.1.5. Appendix 3 of the Development Plan sets out the signage policy.

5.2. Natural Heritage Designations

- This appeal site is located at its nearest point c1.1km to the south west of Special Protection Area: Dundalk Bay SPA (Site Code: 004026) and Special Area of Conservation: Dundalk Bay SAC (Site Code: 000455).
- This appeal site is located at its nearest point c7.1km to the south west of the Special Area of Conservation: Carlingford Mountain SAC (Site Code: 000453).

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development sought, the lack of any direct hydrological connectivity from the site to any nearby sensitive receptors, the serviced nature of the site and its setting as well its location in the historic heart of Dundalk town, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for

environmental impact assessment can 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 grounds of appeal can be summarised as follows:

- Advertising structures are open for consideration on land zoned Town Centre.
- The appeal site is a desirable location for signage due to the considerable mix of commercial uses in its vicinity.
- The subject building does not form part of an ACA nor is it afforded protection as a Protected Structure.
- The first-floor level of this building is being used for storage purposes only and the removal of windows would not adversely impact on the amenities of its occupants.
- The two windows impacted are not the only source of light and ventilation for the rooms that they serve.
- This proposal would not result in any significant adverse visual amenity impact.
- The appellant is open to a temporary 5-year grant of permission.
- The anticipated boulevard for the Ramparts Road has not transpired.
- The Board is requested to overturn the decision of the Planning Authority.

6.2. Planning Authority Response

6.2.1. None.

7.0 Assessment

7.1. Overview:

7.1.1. Having had regard to the documentation submitted with this application, my inspection of the site and its setting, the grounds of appeal and other

correspondence on file, I consider that the substantive issues in this appeal case are as follows:

- Visual Amenity Impact; &
- Residential Amenity for Future Occupants;

7.1.2. I also consider that the matter of 'Appropriate Assessment' requires examination.

7.2. **Visual Amenity Impact**

7.2.1. By way of this application planning permission is sought for the erection of two digital media signs to be positioned on the north-eastern and southwestern gables of 'The Rampart Court', a three-story pitched roof detached residential building, that fronts onto the heavily trafficked Rampart Road and Williamsons Place, in the centre of Dundalk town (See Section 2 of this report above).

7.2.2. This building occupies a prominent position on this wide and gently curving in alignment mixed use street and its visual prominence is enhanced due to the adjoining property to the south, i.e. Dundalk Lighting, being located c14m back from the roadside edge, with hard-surfacing accommodating off-street car parking and an internal access road that aligns with the Ramparts Road. In addition, the neighbouring building to the north is also positioned with a setback from the roadside edge with an access road serving a Vodafone Call Centre and an RTE studio alongside a separate irregular pocket of hard-surfacing that bounds the north eastern gable of the site.

7.2.3. The Planning Authority's single reason for refusal essentially relates to the visual impact of the proposed development on its streetscape setting were the proposed development permitted. In its stated reasons for refusal it considers that the proposed digital: *"media signs by reason of their size, type and position on the gables of a prominent building located on a key thoroughfare within Dundalk would be visually intrusive and would seriously injure the visual amenities of the area"*.

7.2.4. Having inspected the site and its setting I share the Planning Authority's concerns in terms of visual impact on the streetscape setting of the Ramparts Road and having regard to the highly prominent location of the subject building, the impact of these signs, would not in my view be limited or localised.

- 7.2.5. Indeed, the visual prominence of either gable by virtue of its lack of setback from the roadside edge and the existing setbacks above ground floor level of built structures on either side is in my view one of the principal justifications for the proposed positioning of these digital media signs on the two side elevations of 'The Rampart Court' building in close proximity to the edge of the principal façade and 3.1m above the external ground levels as they would both be highly visible for a significant distance along what is heavily trafficked by foot, by car and other means thoroughfare within the centre of the town.
- 7.2.6. While I consider that the building itself is of no particular architectural or other merit it is not out of context with the mixture and variety of building heights; the built forms and the palette of materials that characterise the Ramparts Road streetscape scene. It does not benefit from any specific designation nor does it form part of an Architectural Conservation Area. It does notwithstanding form part of a streetscape setting that Table 4.1 of the Development Plan indicates the Planning Authority's intentions to transform it into an 'Urban Avenue'.
- 7.2.7. The said Table indicates that this is a priority objective and action for Dundalk's Town Centre.
- 7.2.8. This Table also seeks to improve signage within the town centre of Dundalk.
- 7.2.9. In addition, Policy TC7 of the Development Plan seeks to encourage a high quality of built environment; Section 3.2.11 of the Development Plan which sets out the development management guidelines for the administrative area of the plan requires signage to be of a high quality and for regard to be had to the traffic considerations; and Appendix 3 of the Development Plan sets out the signage policy for the Development Plan area which indicates in relation to multiple advertising signage that these will be generally supported subject to them not confusing traffic or prevent the safe flow of traffic in the area.
- 7.2.10. The proposed digital media signs with their stated 4.6m height; 5.4m width and their placement 3.1m above ground level with a minimal setback of 0.35m from the edge of the principal façade of The Rampart Court building are by way of their dimensions, design, placement and use of high resolution colour display screens would be highly visible within the streetscape setting of the Ramparts Road and would be highly overtly visible from a significant distance particularly the digital media sign on the

southwestern elevation due to the alignment of the road to the south, the roads width, the lack of any significant visual obstructions when journeying in a northerly direction along this road. Due to the change in alignment of the Ramparts Road in the vicinity of the site, i.e. its curving alignment the digital media sign would also be highly visible when journeying southwards along the Ramparts Road and when viewed from the T-junctions to the north of the site (e.g. Ramparts Lane and River Lane) which I observed at the time of my inspection were heavily trafficked.

- 7.2.11. In addition, along the entire route of the Ramparts Road to both the north and south there is on-street car parking provision and there are also a number of dedicated public small car parking provisions off-street.
- 7.2.12. The visual prominence of the proposed signs, if permitted, arguably would be more prominent at night due to the level of coloured illumination and potentially flickering from changing signs etc. associated with this type of signage and their design to be observable as well as legible from significant distances. This in turn would not only diminish the streetscape scene by way of providing incongruous visual clutter that is unrelated to any specific commercial or other operations at this locality, it would also result in visual pollution that has the ability to result in visual glare, light clutter and distractions for all types of road users, I particular road users. In my view this in turn could potentially result in a road safety and traffic hazard issues for these users despite the 50kmph posted maximum speed limited of the Ramparts Road.
- 7.2.13. Whether or not the Planning Authority have fully carried out the priority objective set out in the Development Plan to transform the Ramparts Road into an attractive urban avenue through to boulevard with a high quality of buildings as well as appropriate mixture of uses to create an attractive place for people to journey through, visit, do business through to live, is not a basis for allowing a proposed development that would be detrimental to the existing qualities of this urban streetscape as well as detrimental to the satisfaction and enjoyment of users of this streetscape scenes.
- 7.2.14. If permitted, the proposed digital media signs, would not in my view be a type of development that would be conducive in achieving the desired objective of transforming the Ramparts Road into an attractive urban avenue through to boulevard. As discussed, this is a stated priority objective of the Development Plan.

- 7.2.15. The proposed signage is an *ad hoc* development at this location as it is not location specific and it would not harmonise or contribute in a positive manner with the visual attributes or desired improvements to this particular streetscape scene.
- 7.2.16. It would add to visual clutter of unnecessary and poor-quality signage in this streetscape setting alongside create an undesirable precedent for other similar signage on visually prominent and heavily trafficked urban thoroughfares within Dundalk's town centre.
- 7.2.17. Moreover, the night time visual pollution and light clutter would further diminish the visual qualities and would dramatically alter the night time ambience of this streetscape setting.
- 7.2.18. Based on the above considerations to permit the proposed digital media signage would be contrary to the provisions of the Development Plan; would seriously injure the visual amenities of the area; and, would be contrary to the proper planning and sustainable development of the area.

7.3. Residential Amenity Impact

- 7.3.1. I consider the proposed signage is inappropriate and out of character insertion onto what is a 3-storey residential building. Alongside this the proposed development would, if permitted, require the blocking up of two window openings on the north eastern elevation in order to accommodate a development, that in my view could not be considered as being an ancillary or a use in keeping with the residential use of this building and in so doing would diminish the internal amenities of this building for its occupants by limiting access to light, ventilation and reducing the capacity of cross ventilation within the residential units affected. Moreover, it would also limit the flexibility and adaptability of the residential unit affected.
- 7.3.2. Whilst the appellants have contended that the proposed development would have no adverse impact on the established amenities of this residential development, they have not supported this with any substantive evidence that would show unequivocally that the potential adverse impacts from diminished levels of light through to ventilation would not occur.
- 7.3.3. For these reasons I consider that the proposed development, if permitted, would seriously injure the residential amenities of properties in its vicinity and would be contrary to the proper planning and sustainable development area.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

7.5. **Other Matters Arising**

7.5.1. **Temporary Grant of Planning Permission:**

Having regard to the concerns raised in my assessment above I do not consider that a temporary grant of permission of the proposed development would be appropriate in this case.

- 7.5.2. **South West Gable:** Concern that the proposed development would result in the loss of terrestrial and satellite television services for apartment units depending on this provision through satellite dishes erected on the south western gable where one of the proposed digital media signs are proposed. Interference with these is likely to require consent and there is no consent for their removal included with this application.

8.0 **Recommendation**

- 8.1. I recommend that planning permission be **refused** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

It is considered that the proposed advertisement structure would be visually obtrusive, would be a discordant feature on this residential building, would be out of character with, and would, visually diminish its streetscape by way of visual clutter and visual pollution, it would endanger public safety by reason of traffic hazard because of the visual glare and its excessive in height and width dimensions, it would be inconsistent with the priority objective for the Ramparts Road which seeks to create a high quality urban avenue, it seriously injure the visual and residential amenities of the area and be contrary to the provisions of the Dundalk & Environs Development Plan, 2009 to 2015, as varied and extended, for the area. The

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

Patricia-Marie Young
Planning Inspector
18th day of December, 2019.